

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) CRIMINAL CASE NO. CCB-19-322
BILAL MOHAMMAD SIDDIQUI,)
Defendant.)
_____)

Thursday, October 29, 2020

BEFORE: THE HONORABLE CATHERINE C. BLAKE, JUDGE

SENTENCING - VIA ZOOM

For the Plaintiff:

Jeffrey Izant, Esquire
Paul Budlow, Esquire
Assistant United States Attorneys

For the Defendant:

Joseph Balter, Esquire
Joseph Stiers, Esquire

Present:

Special Agent Rachel Corn, FBI
Helen Domico, U.S. Probation Officer

Reported by:

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Douglas J. Zweizig, RDR, CRR - Federal Official Court Reporter

P R O C E E D I N G S

(11:25 a.m.)

THE COURT: Good morning. Can everyone hear me? All right. If the Government would call the case.

MR. IZANT: Thank you, Your Honor.

This is United States of America versus Bilal Mohammad Siddiqui. This is Criminal Number CCB-19-322.

On behalf of the United States, I am Assistant U.S. Attorney Jeff Izant.

And I'm joined by Assistant U.S. Attorney Paul Budlow and FBI Special Agent Rachel Corn.

And we are here this morning for sentencing, Your Honor.

And if I could also just make Your Honor aware, we are also joined by the mother of the victim identified in the information as Jane Doe 1.

THE COURT: Jane Doe 1?

MR. IZANT: 1.

THE COURT: Thank you. I'm sorry. I'm having a little bit of difficulty hearing. There's a little bit of background noise.

THE CLERK: Your Honor, it looks like it's coming from CDF.

THE COURT: Let me first -- Mr. Siddiqui, can you see and hear me?

1 **THE DEFENDANT:** Yes, I can.

2 **THE COURT:** Thank you.

3 Is it possible when Mr. Siddiqui is not speaking, that
4 he is muted so that we don't get the background noise?

5 **THE CLERK:** Your Honor, I can mute him. I think he
6 would probably have to make sure he pays attention to the
7 screen.

8 So, Mr. Siddiqui, if you can hear me, please pay
9 attention to the screen because if I mute you, you'll either
10 have to unmute yourself or get a guard to unmute you once it's
11 time for you to speak; okay?

12 **THE COURT:** Looks as though he's already done it.

13 **THE DEFENDANT:** Okay.

14 **THE CLERK:** I will go ahead and mute you myself. Just
15 once we're ready for you to speak, just either get the guard's
16 attention or you may be able to do something on the screen
17 yourself, okay? Just pay attention to what you see on your
18 screen; okay?

19 **THE DEFENDANT:** Okay.

20 **THE CLERK:** Great. Thank you so much.

21 **THE COURT:** And I'll say the same, obviously, for
22 defense counsel who can identify themselves. If you need to
23 speak with your client at some point, let us know.

24 Mr. Balter.

25 **MR. BALTER:** Good morning, Your Honor. Joseph Balter

1 and Joseph Stiers on behalf of Bilal Siddiqui.

2 **THE COURT:** Okay. All right. Thank you, all.

3 Let me start with a couple of preliminary matters.

4 As counsel know, the CARES Act permits sentencings to
5 proceed by way of videoconference with the consent of the
6 defendant because of the current pandemic, but provided the
7 Chief Judge has entered an appropriate order, which he has, and
8 provided the Court makes the finding, which I am, that the
9 proceeding to be held today cannot be further delayed without
10 serious harm to the interests of justice.

11 Mr. Siddiqui has been in pretrial detention pending
12 sentencing for quite some time now. It is in his interests, as
13 well as the public interest, for him to be able to be
14 sentenced, be designated, to move on to the Bureau of Prisons
15 out of pretrial detention.

16 That could not happen for quite some time and still
17 recognize the demands of public safety because of the current
18 Coronavirus pandemic.

19 So that is why we're proceeding today by
20 videoconference.

21 And I understand it is with Mr. Siddiqui's consent.

22 And I'll just ask, Mr. Balter, can you verify that?

23 **MR. BALTER:** Yes. Yes, Your Honor.

24 **THE COURT:** All right.

25 And, Mr. Siddiqui, assuming you're still on mute but

1 you can hear me, if you agree that we're proceeding with your
2 consent by videoconference today, nod so that we can observe
3 that and record it for the record.

4 **THE DEFENDANT:** (Nods head.)

5 **THE COURT:** All right. I have observed Mr. Siddiqui
6 nod his head, in addition, of course, to what counsel have
7 said.

8 Anything else the Government needs to add on that
9 point?

10 **MR. IZANT:** No. Thank you, Your Honor.

11 **THE COURT:** Okay. There is also some very recently
12 passed legislation by Congress within the past week, which was
13 made effective immediately, amending Federal Rule of Criminal
14 Procedure 5, 5(f), that requires the Court to orally and in
15 writing order the prosecution or confirm with both the
16 prosecution and the defense present the prosecution's
17 obligation of disclosure under *Brady v. Maryland* and its
18 progeny and the possible consequences of violating such an
19 order. This does not create any new obligation, but I am
20 required to -- under this law to direct the prosecution to
21 produce all exculpatory evidence to the defendant pursuant to
22 *Brady v. Maryland* and its progeny and to advise the prosecution
23 that not doing so in a timely manner may result in sanctions,
24 including exclusion of evidence, adverse jury instructions,
25 dismissal of charges, contempt proceedings, vacating a

conviction, or disciplinary action against the prosecution.

Let me just ask you, Mr. Izant, for the record, do you understand that? And do you believe you have for the prosecution complied with your obligations under *Brady* and its progeny in this case?

MR. IZANT: Yes, Judge, I understand the obligations, and I represent that we have complied with those obligations.

THE COURT: All right. Thank you.

Now, we are here for sentencing, of course, based on Mr. Siddiqui's guilty plea to a three-count information. Counts 1 and 2 were both sexual exploitation of a minor; Count 3, cyberstalking.

I will indicate for the record that I have reviewed the materials in the record, including the presentence report. There were also both sentencing memoranda and replies from both the Government and the defense, which I have reviewed. There were various character letters submitted, as well as victim impact statements.

And as counsel know, I need to start with the presentence report.

And let me begin with the Government. Do you have any additions, corrections, or modifications to the presentence report at this time?

MR. IZANT: No, Your Honor. Thank you.

THE COURT: All right. Mr. Balter, obviously you have

1 reviewed the presentence report.

2 Just for the record, has your client had a chance to
3 discuss the presentence report and its contents with you also?

4 **MR. BALTER:** Yes, Your Honor.

5 **THE COURT:** And I'm aware that you have various, I'll
6 say, guideline-related issues that you have presented in your
7 sentencing memorandum and may wish to argue by way of variance.

8 But it is my understanding that, otherwise, the
9 parties both agree that the guideline calculation, which I'll
10 discuss further in a moment, is correct.

11 Am I right about that, Mr. Balter?

12 **MR. BALTER:** Yes, Your Honor.

13 And, Your Honor, let me just clarify one other matter.
14 The Court indicated that it had reviewed both the sentencing
15 memorandum and the reply, and one of the exhibits to our
16 memorandum was character letters.

17 I just also want to confirm the Court received a copy
18 as an exhibit of Mr. Siddiqui's personal statement as well.

19 **THE COURT:** Yes, I did. Thank you. I believe that
20 came in a separate filing, but I did receive and read
21 Mr. Siddiqui's personal statement as well. Thank you.

22 **MR. BALTER:** Thank you. Yes. We have no objections.

23 **THE COURT:** Okay. All right. I'm not going to go
24 through in detail, therefore, the guideline calculations.

25 There are a number of groups based on both the conduct

1 identified in the information specifically and various relevant
2 conduct. We have Jane Does 1 through 6 included in the
3 guideline calculation.

4 It all, with the grouping and the various
5 enhancements, added up to 51, which, of course, is reduced.
6 The guidelines indicate that there will not be a level
7 considered higher than Level 43.

8 Mr. Siddiqui is in criminal history category of I.

9 The guideline range ordinarily, according to the
10 table, would be life. It's noted in the presentence report and
11 I believe in counsel's papers as well, there is a maximum, of
12 course, of 30 years, 360 months on each of Counts 1 and 2.

13 So that, therefore, the way the guidelines come out, I
14 believe technically is 780 months.

15 In any event, I'm adopting, as they're not disputed,
16 the guideline calculations in the presentence report.

17 Obviously, the guidelines are just one factor. There
18 are a number of things to consider under 3553(a).

19 And I will, unless there is anything else of a
20 preliminary nature, call on the Government to tell me whatever
21 they would like to tell me about what they believe is a
22 reasonable sentence and why.

23 And, of course, there are some ancillary matters, if
24 you will, having to do with forfeiture and restitution that at
25 some point we should just make sure we're clear on as well.

1 **MR. IZANT:** Thank you, Judge.

2 And I'm happy to address those matters toward the
3 conclusion of the proceeding, if that makes sense to
4 Your Honor.

5 **THE COURT:** That's fine.

6 **MR. IZANT:** As you know from our sentencing memorandum
7 and our reply, we are seeking a sentence of 27 months' [sic]
8 imprisonment and lifetime supervised release.

9 **THE COURT:** You said "27 months."

10 **MR. IZANT:** 27 years' imprisonment and lifetime
11 supervised release.

12 **THE COURT:** Yes.

13 **MR. IZANT:** Thank you, Judge.

14 Mr. Siddiqui is a dangerous and repeat sex offender.
15 He used the power of the Internet to sexually exploit young
16 girls all over the United States.

17 Through social media and other technology,
18 Mr. Siddiqui reached into the homes of unsuspecting families
19 across this country and manipulated vulnerable children inside
20 into abusing themselves for his own sexual gratification.

21 He perpetrated this horrifying conduct for a long
22 time. Until he was arrested, he had been using the Internet to
23 sexually exploit children for nearly 18 months. And he had
24 been abusing Jane Doe 2, for example, as recently as two days
25 earlier.

1 The scale of his abuse was also staggering. He told
2 the Government that he exploited somewhere between 10 and 50
3 young girls. This is a defendant who sexually exploited so
4 many children that he literally lost count.

5 The Government was able to identify 7 of these 10 to
6 15 -- 10 to 50 victims.

7 And the victims that we identified were particularly
8 vulnerable. Most of them were prepubescent minors. The
9 youngest, Jane Doe 1, was only 8 years old.

10 And Mr. Siddiqui's abuse of these victims was both
11 degrading and physical. He coerced Jane Doe 1, the 8-year-old,
12 to brand herself with his name and to record herself using the
13 bathroom.

14 And he coerced Jane Doe 2, a 9-year-old, and
15 Jane Doe 4, an 11-year-old, to penetrate themselves with
16 foreign objects.

17 And Mr. Siddiqui knew what he was doing was wrong. He
18 told the victims to delete everything.

19 So the fact that for 18 months Mr. Siddiqui sexually
20 exploited somewhere between 10 and 50 young girls like this
21 would have on its own justified a significant term of
22 imprisonment.

23 But what elevates his conduct from the horrifying to
24 the truly reprehensible, and what makes this case stand apart
25 from other terrible online exploitation cases was

1 Mr. Siddiqui's malicious sexual and psychological abuse of
2 Jane Doe 4, and that's the 11-year-old in South Carolina, who
3 is the same age of one of Mr. Siddiqui's own sisters.

4 Mr. Siddiqui groomed Jane Doe 4 for weeks, and by
5 convincing her that he was her boyfriend, he persuaded her to
6 send him sexually explicit videos of herself.

7 Mr. Siddiqui then exploited her trust and used the
8 videos to coerce Jane Doe 4 into sexually abusing herself in
9 more sadistic and more demeaning ways. He told her that unless
10 she complied with his demands, he would expose her conduct to
11 her family and friends and, in his words, ruin her life.

12 Mr. Siddiqui forced this young girl to produce videos
13 and images of herself committing abuse on her own body. He
14 demanded that she shove household objects into her mouth and
15 genitals as far as they would go, and he coerced her to record
16 herself saying humiliating and demeaning things as she did so.

17 And worst of all, at some point during his abuse of
18 Jane Doe 4, Mr. Siddiqui decided that he was no longer content
19 to torture her privately. And after she tried to end the
20 relationship and resist his demands, Mr. Siddiqui chose to
21 publicly victimize Jane Doe 4 by distributing naked sexually
22 explicit images and videos of this 11-year-old to her
23 sixth-grade classmates. And to subject a vulnerable
24 11-year-old to such severe trauma for sport is evidence of a
25 truly depraved character.

1 But that is what Mr. Siddiqui did, and that is what
2 makes him a dangerous person.

3 And so, no, Your Honor, this case is not about
4 sexting. It's about the exploitation of young children by an
5 adult man. And it is about the physical abuse, the
6 psychological torture, and the public humiliation that
7 Mr. Siddiqui inflicted on his victims.

8 And these are just some of the same reasons why the
9 Court should reject the defense's attempt to distinguish
10 in-person predators from online sex offenders as a basis for
11 imposing a lesser sentence in this case.

12 First, the Government is seeking a 27-year sentence.
13 Most, if not all, in-person offenders are sentenced to longer
14 terms of imprisonment.

15 And even if that weren't true, the fact that
16 Mr. Siddiqui was not an in-person offender does not justify any
17 leniency in this case.

18 First, we submit the Court should resist the
19 comparison in the first instance.

20 The relevant sentencing factor in 3553(a) describes
21 the need to avoid unwarranted disparities among similarly
22 situated defendants.

23 But for defendants who are not similarly situated,
24 different penalties are warranted.

25 And, Your Honor, even if we assumed what the defense

1 would have this court believe, that the hypothetical in-person
2 offense against one child is worse than a hypothetical online
3 offense against one child, how can the Court possibly compare
4 all of the aggravators that are present here?

5 For example, how many online victims does it take to
6 outweigh the physical presence of the offender. Is it seven?
7 Is it ten? Is it fifty?

8 What if the in-person defendant merely photographed
9 the victim but the online defendant caused graphic physical
10 sexual abuse?

11 What if the in-person defendant touched the victim but
12 privately and the online defendant publicly humiliated the
13 victim by distributing images of the victim being exploited?

14 Your Honor, we submit there are not clear, easy
15 answers to these questions. And while it is generally
16 problematic in every case to compare sentences imposed in
17 different cases on different defendants for different reasons,
18 these questions demonstrate the weakness of Mr. Siddiqui's
19 argument, that in-person offenses are always worse than online
20 exploitation offenses. That is simply untrue. And it's
21 especially untrue in this case, given how many aggravating
22 factors were demonstrated by Mr. Siddiqui's conduct.

23 Another factor in addition to unwarranted disparities
24 that comes into play here is dangerousness, and in many ways,
25 Mr. Siddiqui is more dangerous than many in-person offenders.

1 I will just point out some of the things that
2 Mr. Siddiqui talked about in his own memos.

3 Given the widespread use of smartphones and social
4 media platforms by children, online predators have far more
5 easier access to more children than in-person offenders.

6 Mr. Siddiqui tried to suggest this was somehow
7 mitigating because online enticement can just happen so easily
8 over the Internet.

9 Putting aside our dispute that conduct like this
10 doesn't just happen, the fact that it's so easy to do is one of
11 the reasons why offenders like Mr. Siddiqui are so dangerous.

12 A parent can think a child is safely tucked in bed at
13 home while predators like Mr. Siddiqui are inflicting sexual
14 abuse remotely from the comfort and privacy of their own
15 houses.

16 And as Mr. Siddiqui's case showed, there is no
17 geographic limit on where online predators can victimize
18 children. Mr. Siddiqui abused children all over the country.

19 Again, as Mr. Siddiqui showed, an online predator can
20 victimize multiple children at the same time.

21 And as we described in our sentencing memo and as is
22 detailed in the plea agreement, statement of facts, there was
23 one date in September 2017 when Mr. Siddiqui was exploiting
24 three of the Jane Does identified in this case on the same day.

25 And as Mr. Siddiqui showed, it can be much easier for

1 Internet predators to hide behind fake online profiles like
2 Brody, using anonymous social media platforms like Kik, or
3 encrypted communication tools like iMessage and FaceTime.

4 Your Honor, the need for deterrence is also different
5 in online exploitation cases.

6 As more and more of modern life moves online,
7 especially during a global pandemic, so do child exploitation
8 crimes. And as the research we cited in our memorandum shows,
9 sextortion crimes like Mr. Siddiqui's are literally the
10 fastest-growing threat to children today. And as that research
11 also showed, these are cases where the defendants tend to abuse
12 many, many victims like Mr. Siddiqui did.

13 And rather than being rare, as the defense suggested
14 in its memorandum, these cases are, sadly, far too common. And
15 the problem is only getting worse. The future of child
16 exploitation is online.

17 So for these reasons, the Court should use its
18 sentence to send a message that whether you exploit children in
19 person or you do it online, you will be held accountable the
20 same way for abusing the most vulnerable members of our
21 society.

22 And, finally, Judge, on this point of the difference
23 between -- or the purported difference between online and
24 in-person offenders, the terrible effects that Mr. Siddiqui's
25 conduct had on his victims shows that online exploitation cases

1 are just as serious, especially when they involve remote
2 physical abuse like they did here.

3 So in many ways, the nature of the harm is similar.
4 There's no question that Mr. Siddiqui sexually exploited these
5 young girls the same way that in-person offenders do.

6 These young girls also suffer physical harm at
7 Mr. Siddiqui's hands, even if it was remote, the same way that
8 an in-person offender can inflict physical harm.

9 These victims, like in-person victims, also suffer the
10 unending psychological torment from living with the knowledge
11 that a stranger, now on the Internet, has recorded images of
12 your abuse that we can never get back.

13 And, like in-person cases, because children suffer
14 from these crimes, families suffer from these crimes.

15 But there are also significant ways in which the harm
16 is different in online exploitation cases.

17 Online cases like this one have consequences that
18 in-person cases rarely have, which is public humiliation. And
19 we submit Mr. Siddiqui's exploitation and abuse of Jane Doe 4,
20 the 11-year-old, was bad enough on its own.

21 But he inflicted even more trauma on this young girl
22 by distributing images of her abuse to her family and friends.

23 And so it's no surprise that the FBI research shows
24 that 30 percent of sextortion victims commit or attempt to
25 commit suicide. You don't see numbers like that in in-person

1 cases.

2 And so this is yet another reason why the Government
3 was so surprised that Mr. Siddiqui relied so heavily on
4 *Punzalan*, for example, as a case for this Court to follow.

5 We made this point at length in our brief, and so I'm
6 not going to recite all the case law and the ways in which this
7 case is distinct from any of the other cases the defendant
8 cited, and worse.

9 But I want to point out, Your Honor, that the defense
10 would have this Court believe that, really, the universe of
11 online exploitation and sextortion cases consists of *Punzalan*
12 and *Speelman*, a case from five years ago and ten years ago.
13 That is simply untrue.

14 We've cited in our brief there are numerous cases in
15 just this district in just the last three years that show that
16 this conduct is not rare and that significant sentences are not
17 rare either.

18 But the reason why we were so surprised that the
19 defendant brought *Punzalan*, for example, is because of what
20 happened in that case after sentencing.

21 After sentencing, the Government learned that the
22 victim in that case, the 13-year-old, committed suicide, and
23 she had actually done so before sentencing in that case.

24 But she killed herself because of the torture that
25 conduct like this, especially sextortion, inflicts on these

1 young children.

2 And because of that, Mr. Punzalan, who's serving the
3 time for his District of Maryland sentence now, has been
4 indicted in the Middle District of Pennsylvania and is facing a
5 mandatory minimum of an additional 15 years with up to life
6 imprisonment, which is different from this case, because he
7 engaged in cyberstalking resulting in death.

8 So, you know, if the Government is going to hold out
9 an example of what this kind of conduct does to victims,
10 *Punzalan* is a great example.

11 So I want to conclude, Your Honor -- because we've
12 devoted a substantial amount of time to that issue in our
13 briefs, I want to draw your attention to the impact of
14 Mr. Siddiqui's crimes on the specific victims in this case.

15 And in all cases like this, there is a risk that a
16 sentencing hearing focuses exclusively on the defendant to the
17 exclusion of the victims.

18 It's important and necessary for the Court to focus on
19 the defendant, but it cannot be to the exclusion of the effects
20 that his conduct has on the victims in this case.

21 I anticipate that Your Honor is going to listen to
22 several family members talk at great length about the effect of
23 Mr. Siddiqui's conduct on his family.

24 But the Court should bear in mind that this is just
25 one family that was profoundly affected by Mr. Siddiqui's

1 conduct.

2 There are at least seven other families, seven other
3 sets of fathers, mothers, sisters, uncles, cousins who were
4 also profoundly affected by Mr. Siddiqui's behavior.

5 And this case is not something that just happened to
6 Mr. Siddiqui. It was Mr. Siddiqui who chose to commit these
7 offenses. None of the girls -- none of the young girls that
8 Mr. Siddiqui exploited chose to be victimized. None of their
9 families chose to be caught up in this case.

10 And for them, the effects of Mr. Siddiqui's conduct
11 will not simply disappear after 15 years.

12 So turning specifically to these victims, I want to
13 talk first about Jane Doe 3. She was the 11-year-old girl
14 living in Wisconsin.

15 And one issue that came up in the parties' briefs was
16 the forensic interview that the FBI conducted of Jane Doe 3.

17 The Government considered the defendant's argument
18 about this interview, and we took into account their
19 interpretation. And we went back and looked at the transcript
20 again.

21 And having done so, I can tell Your Honor that in
22 light of the defendant's argument, whether Mr. Siddiqui himself
23 personally catalyzed or precipitated the traumatic events that
24 the young girl described with regard to her father, her mother,
25 the violence, the police, the divorce, the drug use, that

1 question is a little bit more ambiguous than the Government
2 first appreciated.

3 But the consequences that Jane Joe 3 described that
4 result from online child exploitation remain, regardless of
5 whether that particular instance was perpetrated directly by
6 Mr. Siddiqui.

7 It shows how profoundly online child exploitation
8 victims are affected by this conduct and how their families can
9 be affected by this conduct, regardless of whether they ever
10 meet the perpetrators.

11 And later on, Your Honor, the forensic interview
12 leaves no ambiguity about how much Mr. Siddiqui's personal
13 conduct traumatized this young girl.

14 The story that we relayed in our sentencing memo came
15 after the forensic interview asked the victim to tell her why
16 she thought she was there that day being interviewed by the
17 FBI.

18 Later on, the forensic interviewer directs the victim
19 more specifically to the conduct that we were aware of in this
20 case, and she tries to get Jane Doe 3 just to look at
21 screenshots of the videos that Mr. Siddiqui produced of her.

22 And for pages and pages of the transcript of that
23 interview, this poor girl refuses again and again, crying and
24 sobbing and shaking her head, refusing to even look at the
25 images, refusing to even confirm that she's the girl depicted

1 in them.

2 So that's how traumatized these victims are, and
3 that's what that interview shows.

4 And this is confirmed by the victim impact statement
5 that Jane Doe 3's mother submitted.

6 Her mother explained that Jane Doe 3, now, I believe,
7 a 13-year-old, is not interested in any kind of relationship
8 due to her exposure to a male and feeling victimized.

9 Jane Doe 3's mother is nervous all the time. She
10 says, "I feel like I failed as a mother and a protector." She
11 said she cries herself to sleep at night knowing that she
12 couldn't protect her child from Mr. Siddiqui.

13 And she writes, "He harmed my child and not in a
14 physical way that will heal in time. He hurt her in a way that
15 will last for a lifetime and resurface in many different ways."

16 And, Your Honor, you see the same thing come across in
17 a victim impact statement submitted by the mother of
18 Jane Doe 1. And this was the 8-year-old from Texas, and I
19 believe she is now about 10 years old.

20 Jane Doe 1's mother says, "She still remembers the
21 conduct as though it was yesterday, and she used to just sit in
22 her room by herself and cry because she said she felt so
23 helpless and worthless. She had lots of trouble sleeping and
24 used to have nightmares that this person would come to her
25 house and find her."

1 Even though the conduct was entirely online for
2 Jane Doe 1, her grades have dropped; she was scared to use
3 computers; she can't trust people; and she doesn't have friends
4 at school.

5 And this poor little girl has already undergone years
6 of counseling and will need many, many more.

7 And like Jane Doe 3, this conduct also affected the
8 entire family.

9 Jane Doe 1's mother explained how, as a result of the
10 defendant's conduct, she was actually separated by a Court's
11 restraining order from Jane Doe 1 for a period of time.

12 And what she writes, I want to emphasize for the
13 Court, is that "I don't think the long-term effects of being
14 the victim in this crime ever go away. The emotional and
15 mental distress, along with feelings of low self-worth, image,
16 and confidence, are things that my child will have to deal with
17 for the rest of her life."

18 And so, Your Honor, while the defense argues that
19 Mr. Siddiqui's crimes were merely virtual, they were very, very
20 real for the young children he exploited. And they will
21 continue to be real for them for a very, very long time.

22 And so for all of these reasons, we ask the Court to
23 sentence the defendant to 27 years' imprisonment and lifetime
24 supervised release.

25 Thank you.

1 **THE COURT:** Thank you, Mr. Izant.

2 Let me ask you briefly, also, to address the
3 forfeiture and restitution.

4 My understanding is there is a preliminary order of
5 forfeiture that's ready for signature relating to the iPhone
6 and the MacBook. And then in terms of restitution, you'd
7 indicated you might want to defer that.

8 Where do those things stand?

9 **MR. IZANT:** That's correct, Your Honor.

10 So as to forfeiture, we had filed a motion for a
11 preliminary order. And it was ready for signature, and it was
12 based on the two electronic devices that were identified in the
13 information and the plea agreement.

14 We just this week learned of a third device that was
15 seized from the defendant that contains child exploitation
16 images, and so it's the Government's position that this, too,
17 was subject to forfeiture. But that device was not part of the
18 plea agreement, and it was not noticed in the information.

19 And so only just yesterday, in fairness to the
20 defense, we reached out to Mr. Balter and asked what the
21 defense position was on this device and whether the defendant
22 would consent to the forfeiture of this item as well. And we
23 expect to -- because Mr. Balter had not had an opportunity to
24 speak with Mr. Siddiqui, we expect that when they have a chance
25 to discuss that, we'll be able to advise the Court promptly

1 about whether there's going to be an agreement and we can file
2 an amended consent motion or whether some additional action
3 needs to be taken.

4 So that's forfeiture.

5 As to restitution, as Your Honor noted, we are seeking
6 a slight delay in setting restitution for this case because we
7 learned that the parents of Jane Doe 1 and Jane Doe 3 will be
8 seeking to submit restitution requests.

9 We have been in dialogue with those families and are
10 in the process of going through the supporting documentation
11 and figuring out what the amount is and whether all of it will
12 qualify under the statute.

13 But we would request a period of 90 additional days,
14 with the Court's permission, to sort that out and also to sort
15 out whether we can come to an agreement with the defense about
16 that amount and not have to litigate that, too.

17 **THE COURT:** Sure. Thank you.

18 Mr. Balter, just on those two points, is there
19 anything you want to say at this point on the forfeiture and
20 the restitution?

21 **MR. BALTER:** Yes. Your Honor, it's true, I have
22 not -- we have received the proposed documents and the notice
23 that it would be a necessity for an amendment on the items to
24 be forfeited. I don't anticipate an issue, but I'll be
25 speaking with Mr. Siddiqui later with regard to all of these

1 issues.

2 I don't anticipate that there is going to be any issue
3 about that. But I'm going to have to confirm with him, and I
4 don't think that's going to be possible today.

5 With respect to the restitution, we have no objection
6 to the 90 days.

7 **THE COURT:** Okay. All right. Thank you.

8 Thank you, Mr. Izant. I appreciate the Government's
9 presentation, your oral as well as your written one.

10 And I will now turn to Mr. Balter for your
11 presentation, sir.

12 **MR. BALTER:** Your Honor, may we have a brief breakout
13 at this point so that counsel can confer with client?

14 **THE COURT:** Ms. Herndon, if you can accommodate that.

15 **THE CLERK:** Just give me a couple of seconds to create
16 the rooms, and then I'll put you two -- you just have to join
17 them. Okay?

18 **THE COURT:** Take your time.

19 **THE CLERK:** Mr. Stiers, you want to go into the
20 breakout room also; correct?

21 **MR. STIERS:** Yes. Thank you.

22 **THE CLERK:** All right. You got it. Yes. No problem.

23 (The defendant conferred with counsel.)

24 **THE CLERK:** Your Honor, did you want to be put in the
25 waiting room, or do you want to stay here?

1 **THE COURT:** Why don't you put me in the waiting room,
2 and you can let me know when everyone is ready to resume.

3 **THE CLERK:** Okay. Will do.

4 **THE COURT:** Thank you.

5 **THE CLERK:** You're welcome.

6 (Recess taken.)

7 **THE CLERK:** We're back in session.

8 **THE COURT:** All right. Mr. Balter, you had an
9 opportunity to confer?

10 You're on mute.

11 **MR. BALTER:** I did, Your Honor. Thank you.

12 **THE COURT:** All right. Would you like to proceed with
13 your presentation.

14 **MR. BALTER:** We are ready to proceed, Your Honor.

15 Your Honor, we are going to be presenting seven brief
16 character statements.

17 Before I call on those individuals to give their
18 statements, I'd just like to also confirm the fact that we sent
19 to the Court approximately 26 letters of support for
20 Mr. Siddiqui from various family members and friends of the
21 family, as well as individuals attesting to some of his
22 community and charitable work.

23 We also -- I know from talking to Mr. Siddiqui's
24 father, Rafay Siddiqui, that there are many close friends of
25 the family who have been joining and are concerned and joining

1 in the public access monitoring of what -- the proceedings
2 today.

3 So I think that all attests to the fact that
4 Mr. Siddiqui has strong support among his family and within the
5 community.

6 I'm going to have to go outside the order that I gave
7 to Ms. Herndon yesterday because of the fact that I know some
8 of the witnesses have time constraints now.

9 So I will start with Ms. Kauser Siddiqui, if
10 Ms. Herndon can have her join this room.

11 **THE CLERK:** Yes. I'm going to admit her right now.

12 **MR. STIERS:** One thing, Your Honor, and so --

13 **THE CLERK:** Hold on a second. Hold on. Should I put
14 her back in the waiting room?

15 **MR. BALTER:** Yes.

16 **MR. STIERS:** They had requested that Dr. Patel go
17 first, then Naveed, then Kauser based on the --

18 **MR. BALTER:** In that order?

19 **MR. STIERS:** Yes.

20 **MR. BALTER:** Okay. All right.

21 **MR. STIERS:** Then Kauser third.

22 **MR. BALTER:** We'll go with Dr. Maqbool Patel.

23 **THE CLERK:** Okay. I'll admit him in a second.

24 Mr. Patel? You have to unmute yourself.

25 **MR. BALTER:** Mr. Patel, can you unmute. Your device

1 is muted.

2 **MAQBOOL PATEL:** Can you hear me now?

3 **THE CLERK:** Yes.

4 **MR. BALTER:** Yes. There's a little bit of an echo.
5 If you could just speak a few words.

6 **MAQBOOL PATEL:** Few words.

7 **MR. BALTER:** There you go. That's excellent.

8 Okay. Mr. Patel, if you could identify yourself to
9 the Court and let the Court know just a few words about your
10 background and how it is that you know Mr. Siddiqui and family.
11 And then if you have a statement to make on his behalf, please
12 make that presentation.

13 **MAQBOOL PATEL:** I do.

14 I'm Dr. Maqbool Patel, Ph.D., professional engineer
15 registered in the state -- different states, having an
16 outstanding professional career with extensive experience as
17 associate vice president of capital planning and administration
18 and finance with University System of Maryland, USM,
19 institutions of higher education.

20 Anything else you would like to know? This is my
21 background. Let me -- let me extend further.

22 I have also served as the president of the Islamic
23 Society of Baltimore numerous times and played a key role in
24 the development of a community learning center in education,
25 transformed in ISB amongst the largest community learning

1 centers in North America. And this organization is registered
2 in the state of Maryland.

3 **MR. BALTER:** So, Dr. Patel, if you could just briefly
4 say how it is that you know the Siddiqui family and then give
5 your statement on behalf of Mr. Siddiqui.

6 **MAQBOOL PATEL:** Okay. Well, let me -- you know, bring
7 the greetings. Let me begin with the greetings of may peace
8 and blessings be upon all. And thank you so much for allowing
9 me to make a brief statement in support of Bilal Siddiqui.

10 Now, the aim of the supporting statement is to inform
11 you that I have known Mr. and Mrs. Rafay Siddiqui family for
12 over 30 years, three decades, including Bilal Siddiqui, their
13 second-eldest child.

14 I was both troubled and surprised to hear about
15 Bilal's case as he has always been a decent child, actively
16 involved in helping and supporting community activities right
17 from the early childhood age.

18 You know, when I mentioned Islamic Society of
19 Baltimore, please note that the thousands of families,
20 including Siddiqui families, are affiliated with this ISB
21 community learning center. And as stated above, I have found
22 Bilal to be kind, sincere, cooperative.

23 He's dedicated to good causes and well-beings of all
24 members of the community. He's simple, honest, young fellow
25 currently on track to pursue higher education at UMBC,

1 University of Maryland Baltimore County.

2 It is my sincere hope that the Court take the
3 status quo into consideration for leniency leading to
4 forgiveness.

5 This would, indeed, allow Bilal's dedicated, sincere
6 parents and sisters to help and guide Bilal to lead
7 progressive, peaceful life in the society-at-large.

8 This would certainly help eliminating any financial
9 burden on local and federal governmental agencies.

10 I can say that your consideration -- this is for the
11 Honorable Judge, that consideration and support would be
12 greatly appreciated.

13 **THE COURT:** Okay. Thank you very much, Dr. Patel.
14 Appreciate it.

15 **MAQBOOL PATEL:** You're welcome. You're welcome.

16 **MR. BALTER:** Ms. Herndon, if you can please bring
17 Mr. Naveed Ahmed on the screen.

18 Good morning, Mr. Naveed. Can you hear me?

19 **NAVEED AHMED:** Yes. Yes, I can.

20 **MR. BALTER:** If you could identify yourself for the
21 Court, briefly describe your background and what your
22 occupation is now, and then proceed with your statement in
23 support of Mr. Siddiqui.

24 **NAVEED AHMED:** Most definitely. So my name is
25 Syed Naveed Ahmed. And before I begin, I bring the peace to

1 Honorable Judge Blake, all the attorneys that are here, all the
2 staff members, family members of Mr. Siddiqui and --

3 **THE CLERK:** I'm sorry. Mr. Ahmed, I'm sorry to
4 interrupt. Can you please mute whatever it is on in the
5 background. We're getting feedback. It may be another phone
6 or something that you have.

7 **NAVEED AHMED:** I'll check right now. I apologize.
8 One second.

9 **THE CLERK:** Great. Thanks.

10 **NAVEED AHMED:** My apologies. It's in the middle of
11 the working day, so I've been taking calls left and right.

12 Anyways, so, again, just greetings to everyone here.
13 My full name is Syed Naveed Ahmed. I reside in Catonsville,
14 Maryland.

15 My family and I have known Mr. Siddiqui's family since
16 I believe they moved to the area -- or even before that --
17 early 2000. I'm talking 2002, 2003. So you're talking like
18 the last 15, 17 years or so. And we've been close friends
19 sense then.

20 Obviously, as you can tell, I'm a bit older than
21 Bilal. I am -- I'll be 29 this Sunday. And Bilal, to my
22 knowledge, is 23. And so I guess you could say the best
23 relationship to describe myself and Bilal is a mentor/mentee
24 kind of a thing.

25 And, like I said, our families have known each other

1 since that time. We've been very close friends. We would come
2 together in community events, be it local mosque events, be it
3 local community family gatherings, picnics, you name it.

4 And like Mr. Patel just mentioned, you know, briefly
5 moments ago, everyone that knew Bilal knew him to be a very
6 helpful, a young, willingly -- volunteer to support worthy
7 causes.

8 In fact, to the best of my knowledge, the last time
9 that I had a chance to work with Bilal on a personal -- on a
10 personal capacity before this unfortunate situation was, I
11 believe, back in 2017 when he helped raise funds for a
12 charitable organization through his college campus when I
13 believe he was serving as the president of the Muslim Students'
14 Association at Howard Community College.

15 And so the list goes on. He's been very active in our
16 local community. We have this annual food festival which
17 brings in about 5-, 7,000 folks from all over the Baltimore,
18 Maryland, even East Coast area. He's been a pivotal member of
19 that group prior to, of course, his, you know, current setback
20 right now.

21 And almost anyone that you would ask about Bilal would
22 say that he's always someone that you give him a task, it will
23 get done. You know, you trust him with something, it's going
24 to happen.

25 And, you know, he just always willing to put himself

1 out there for the sake of the community. He's -- he also has
2 at numerous times in several capacities -- I know I mentioned
3 the college campus; but even for the local mosque and several
4 other communities, being a assistant guide for Sunday School
5 and weekend courses and programs, athletic programs. The list
6 goes on.

7 And I'm sure, you know, Joseph probably provided the
8 information to all of you regarding that.

9 And so I am fully, fully confident that, you know,
10 after Bilal serves his time -- because, of course, undoubtedly,
11 we all understand the issue at hand, and we're not undermining
12 that whatsoever. And we pray for everyone, you know, for
13 Bilal, for those who are affected by this unfortunate situation
14 and, you know, everyone else who's been impacted because, as
15 said earlier -- I forget who was mentioning -- but this is a
16 very serious issue.

17 But I am fully confident that once Mr. Siddiqui Bilal
18 is out from serving his time, he will definitely continue to
19 pick up where he left off.

20 In my opinion, if you ask me, he was definitely
21 shaping up to be, like, you know, the next leader on the block,
22 if you will.

23 And so it is very unfortunate to see this. Like
24 Dr. Patel said, myself, my family, all of us are devastated and
25 shocked when we heard about this, you know, the allegation and

1 also the -- you know, the report that came out and things like
2 that and, of course, going over in detail with Joseph.

3 And so we understand that, you know, yes, social media
4 is definitely something that is very harmful and, you know, can
5 go the wrong way. And, you know, there are several factors
6 that -- that, of course, may have caused that. And, of course,
7 I'll let the professionals go through that.

8 But God willing, you know, I pray that -- the best for
9 everyone and that once Bilal is out, he can be back and
10 civically serve his community to the best possible manner.

11 I personally see this as an opportunity for him to be
12 even a mentor or a guide for other young individuals to make
13 sure that they don't make the mistake that he did. And he can
14 definitely be a beacon of hope and light for the future.

15 So, you know, with that being said, I think I covered
16 everything else from my end, Joseph. Should I mention anything
17 else or -- I want to make sure I didn't miss anything.

18 **MR. BALTER:** Just one other issue.

19 If you could mention what your professional position
20 is now and what Helping Hands is.

21 **NAVEED AHMED:** I got you. I'm so sorry. Totally
22 missed that.

23 So, yeah, my profession, I work with Helping Hand for
24 Relief and Development, a nonprofit organization. I am the
25 regional manager, serving Delaware, Maryland, D.C., Virginia,

1 and West Virginia. As the name might suggest, a charity
2 organization, so both of my work is fundraising and campaigning
3 and things like that. Like I mentioned, Bilal is -- definitely
4 has been one of our core volunteers over the years. And we are
5 missing his presence, you know, just FYI, by the way, for
6 everyone here to understand.

7 And that's what we do. And our office space is in the
8 Baltimore area, very close to both mine and Bilal's family's
9 home, about five, ten minutes away.

10 And -- yeah, I think that's it, Joseph. Anything
11 else?

12 **MR. BALTER:** That's fine. Thank you very, very much.

13 **NAVEED AHMED:** Thank you so much. Everybody, take
14 care.

15 **THE COURT:** Thank you. Appreciate it.

16 **MR. BALTER:** Ms. Herndon, can you please bring
17 Kauser Siddiqui.

18 **MR. BUDLOW:** Your Honor, if I can just briefly
19 comment.

20 **THE COURT:** I'm sorry. Who is this?

21 **MR. BUDLOW:** This is Paul Budlow, Your Honor. Can you
22 all hear me?

23 **THE COURT:** I can hear you.

24 **MR. BUDLOW:** Okay. Thank you. I'm sorry to
25 interrupt, Mr. Balter.

1 I just wanted to let you know that I have a proceeding
2 later this afternoon before Judge Hollander. And actually
3 Special Agent Corn, who is on the call, on this Zoom hearing,
4 has that same hearing. And so at some point you might see the
5 two of us drop off. And I just wanted to make sure that was
6 okay and let you know that that might happen, depending on how
7 long we go.

8 **THE COURT:** Of course. Thank you for letting me know.

9 **THE CLERK:** Okay. Mr. Balter, who should I let in? I
10 apologize. I didn't hear you first.

11 **MR. BALTER:** Yes. If you could let in
12 Kauser Siddiqui.

13 **THE CLERK:** Absolutely. Give me a second.

14 Hi, Ms. Kauser. Can you please unmute your phone and
15 introduce yourself for the record.

16 **KAUSER SIDDIQUI:** Hello. My name is Kauser Siddiqui,
17 and I am Bilal's first cousin. I am a banker at
18 Huntington Bank. I guess I'll get started.

19 **MR. BALTER:** Yes. Thank you for being available
20 today, Ms. Siddiqui.

21 If you have a statement to provide in support of
22 Mr. Siddiqui, please go ahead.

23 **KAUSER SIDDIQUI:** Thank you. So, first and foremost,
24 I want to apologize on behalf of Bilal to all the families
25 involved. I understand the torment that the victims and their

1 families are going through.

2 And as a close cousin of Bilal's, I sincerely
3 apologize to the victims.

4 I'm truly shocked by Bilal's actions. Honestly, this
5 is not something I expected to hear. When I heard about the --
6 when I heard about everything he had done, it was a big
7 surprise. This is because this is not the Bilal that I know
8 and love.

9 Bilal was one of the few cousins that I've known since
10 he was a baby. I've lived in Jersey, and he lives in
11 Baltimore. And our families would meet often. And the boy I
12 knew, he was so kind, helpful in the kitchen, was such a people
13 pleaser. He's always aware of people's feelings. I mean, just
14 very respectful to me, my cousins, my siblings, just
15 everyone -- just everyone.

16 In all the years that I've known Bilal, I've never
17 even heard him argue or raise his voice with anyone. He was
18 that -- that sweet cousin.

19 So honestly, to hear about everything that he's done,
20 it hurts so bad. It really does because it was just so
21 shocking to hear.

22 And so a little bit about our family. We come from a
23 very conservative family. Guys and girls just don't date.
24 They don't talk freely.

25 And I think all of this led him to have low

1 confidence, to be awkward and unsociable.

2 I'm not saying that this is an excuse for what he did,
3 but I think it sheds some light into the immaturity Bilal had
4 when it came to this kind of thing.

5 And as a young woman myself, I take this very
6 seriously.

7 You know, I mean, I use social media myself, and I
8 really understand the severity of what has happened. And I do
9 believe serious acts should have serious consequences.

10 But there is no -- you know, there is no doubt about
11 that. But I really do believe that people deserve a second
12 chance, and I believe Bilal's worthy of some kind of mercy.

13 Bilal's not a bad person. I think he just made poor
14 choices. And I know Bilal has three very wonderful, supportive
15 sisters and loving parents. But he also has his family, and we
16 love him and will support him always.

17 Thank you, Your Honor.

18 **THE COURT:** Thank you very much.

19 **MR. BALTER:** Thank you very much.

20 Ms. Herndon, if you could please bring Nissa Siddiqui
21 on the line.

22 **NISSA SIDDIQUI:** Hello. Good morning.

23 **THE COURT:** Good morning.

24 **MR. BALTER:** Good morning, Ms. Siddiqui.

25 If you could please identify yourself for the Court,

1 tell us something about your current occupation, and give us
2 your statement in support of Mr. Siddiqui.

3 **NISSA SIDDIQUI:** Yes. Good morning, everyone. Good
4 morning, Your Honor.

5 **THE COURT:** Good morning.

6 **NISSA SIDDIQUI:** My name is Nissa Siddiqui. I'm
7 Bilal's elder sister. I'm joining you today from Las Vegas,
8 Nevada. I moved here from Baltimore due to my husband's
9 medical residency. I myself recently graduated from Howard
10 Community College with my Licensed Practical Nursing degree,
11 and I'm working on getting my Registered Nursing degree as
12 well.

13 **THE COURT:** Thank you.

14 **MR. BALTER:** And do you have a statement to provide in
15 support of Mr. Siddiqui?

16 **NISSA SIDDIQUI:** Yes, I do.

17 **MR. BALTER:** Okay. Please go ahead.

18 **NISSA SIDDIQUI:** Bilal is my little brother. We were
19 all born and raised in Baltimore County. And we grew up
20 together in a loving home, and we have always had a close
21 sibling relationship.

22 He was always my annoying little brother, and I was
23 his bossy older sister. And that dynamic still has not
24 changed.

25 I was extremely saddened and surprised to hear of my

1 brother's wrongdoings. This is not the Bilal that I know.

2 I understand the severity of his actions completely.
3 But I also know that he did these actions from behind the
4 screen, not realizing that he was hurting real people in real
5 life. And I do not believe that my brother would ever hurt
6 someone if the anonymity of social media were not involved.

7 I want to give you some background on Bilal and our
8 family in general in my perspective.

9 Our parents came from India in order to achieve the
10 American dream. And there was always pressure from family,
11 ourselves, and the community for being successful in our
12 academics. It's more pressure on the sons of our culture
13 because they have to be the breadwinner, and Bilal was not
14 academically achieved right off the bat. He has to work twice
15 as hard as the average student in order to get average scores.
16 And I'm the same way, so I understand.

17 And he struggled a lot initially. I'm sure he was
18 also heavily impacted in school and socially from bullies. We
19 didn't attend the most prestigious schools for elementary and
20 middle school. And Bilal was often bullied for looking
21 different, being smaller than the older boys, and then for not
22 fighting back.

23 Looking back at this time, it made Bilal kind of an
24 awkward young man. He was shy. And it took a lot of coaxing
25 for him to come out of his shell, especially to people his own

1 age.

2 I'm sure that due to our religion and culture also, it
3 made it probably especially awkward when speaking to females.

4 It's inappropriate to be familiar with, like, the
5 other gender. And our family is very strict with this in this
6 matter.

7 So with this in mind, it makes a bit -- it makes it a
8 bit more clear how could this -- how this could have happened.

9 It doesn't justify what happened at all. I wish it
10 didn't happen, but looking back made me realize that there were
11 some issues that I wish I could have done more to help my
12 brother.

13 But I want you to know that Bilal is not an evil
14 person. He has always been a loving and caring boy, and he's
15 always there for his family, friends, and community.

16 He always makes sure that my parents are okay. He's
17 always there for me and my sisters to talk to and spend time
18 with.

19 Bilal has always been involved in volunteering.
20 Anyone -- anytime anyone asks him for help, he does not
21 hesitate at all.

22 As it was said before, Bilal was involved in Helping
23 Hands. He collected materials like food, clothes, and
24 household items for refugees. He volunteered at a
25 Sunday School, and he did a great job.

1 And Bilal has also come a long way in his education.
2 He persevered and he went to tutoring, and he made friends who
3 would help him study in order to reach his goals. And he
4 graduated with his Associate's degree and was accepted to UMBC
5 four-year university afterwards in order to complete his
6 Bachelor's.

7 Unfortunately, he was unable to complete his degree
8 due to the reason he's here today.

9 But I know he would have graduated by now.

10 I talk to Bilal as often as I can, and I know he
11 regrets his actions highly. I hear it from his words. I see
12 it in his eyes. And I feel it in his sadness. He understands
13 his wrongdoings and what he has lost as a result.

14 He has lost out on a chance to complete his education
15 and start his adult life. He's lost a chance to spend time
16 with his family and friends. He has lost a chance of being his
17 true self.

18 Faith has become his main focus. I see him getting
19 closer to God, and I know that that is a good sign.

20 His priorities have changed. His main priority now is
21 faith, family, and future.

22 And I believe already some good has come out of the
23 repercussions of his actions.

24 And I, as his sister, will be there for him every step
25 of the way. I'm going to be his support as he serves his time.

1 I'm going to be there for him when he's able to come back home
2 to us as well.

3 And he has his family, friends, and community behind
4 him. And we'll always encourage him to make good choices.

5 And I know today you've read and heard all the bad
6 that my brother has done, but I want you to know that he's
7 capable of good.

8 With this said, I beg you as his sister to have mercy
9 on him. Please keep me and my family in mind as you make your
10 final decision on my brother's sentencing.

11 And I want to end my statement by saying my heartfelt
12 apologies to the young ladies and their families. I'm
13 completely horrified at what you have to go through, and I'm
14 sorry for what your families all had to endure. Me and my
15 family are completely heartbroken for you, and I pray that God
16 eases your pain and suffering.

17 May God be with you and bless you every day.

18 Thank you so much. God bless.

19 **THE COURT:** Thank you. Thank you very much.

20 **MR. BALTER:** Yes. Ms. Herndon, if you could please
21 bring on Nida Siddiqui, Rafay Siddiqui, and Sheeba are on the
22 same line. And that, I believe, was on the line for
23 Nida Siddiqui.

24 **NIDA SIDDIQUI:** Good morning.

25 **THE CLERK:** Hi. Would you please introduce yourself

1 for the record.

2 **NIDA SIDDIQUI:** Yes. Good morning, Honorable Judge.
3 My name is Nida Siddiqui. I am Bilal's younger sister.

4 **MR. BALTER:** Nida, Ms. Siddiqui, can I just stop you
5 for a second.

6 I just want to clarify. You're at the same location
7 with your father, Rafay Siddiqui, and your mother,
8 Sheeba Siddiqui; correct?

9 **NIDA SIDDIQUI:** Yes.

10 **MR. BALTER:** And they're sitting right next to you
11 now?

12 **NIDA SIDDIQUI:** Yes.

13 **MR. BALTER:** All right. You can go ahead.

14 **NIDA SIDDIQUI:** I'm currently studying and wrapping up
15 my Associate's in information technology at CCBC, Community
16 College of Baltimore County. I'm transferring to
17 Towson University next semester to complete my Bachelor's
18 degree.

19 I am 21 years old. Before I begin, I just want to
20 apologize to the victims and the victims' families and relay
21 Bilal's deepest apologies and remorse as well today.

22 I am 21 years old, again. Bilal and I are a year and
23 a half apart, so we were able to grow up together side by side
24 majority of the time.

25 Bilal and I went to school together, played together,

1 and shared many of the same memories.

2 Although Bilal and I were so close in age, he was
3 still always my respectable older brother.

4 I try my best to make Bilal laugh, to make him proud,
5 to have fun, and to always be there in times of need with him.

6 And likewise, I can confidently say Bilal always did
7 the same for me.

8 Whenever I was feeling down or in a funk, I knew I
9 could go to Bilal. He always made time for me and always made
10 me feel better.

11 He has always been a lighthearted and selfless person,
12 so selfless that sometimes his own family gets mad at him for
13 neglecting himself.

14 Bilal did a lot with me and for me. We played video
15 games together, went on family trips together, and talked for
16 hours in the middle of the night and shared a lot of personal
17 information together.

18 I can say Bilal was not only my brother, but a very
19 good friend to me.

20 Bilal has helped me overcome many hardships in life,
21 one of the biggest being college. I strongly believe I am
22 where I am today in my academic career because of Bilal. He
23 guided me and advised me to help me with what I needed to do in
24 order to succeed in school.

25 Even while he is away, I still call him till this day

1 and ask him for help with my classes and what I need to take
2 and professors. And he is always the first person who can help
3 me and really guide me. And honestly, I couldn't have done it
4 without you, Bilal.

5 Bilal and the rest of us siblings, me and my sisters,
6 were raised in a very strict and tightly knit, religious
7 family. There is no dating allowed. Bilal is a very
8 unproblematic person, and he doesn't like any drama or any
9 tension, especially in our house.

10 I know Bilal very well, and I can say in today's day
11 and age with cell phones being so readily available and
12 accessible, Bilal may have ran to social media platforms to
13 avoid greater friction in the household and as an outlet to
14 dating.

15 As a youngster myself in the same generation as Bilal,
16 I can also say that I find it a lot easier to communicate and
17 connect with others online.

18 Although what Bilal did was not acceptable and there
19 could have been a better solution, I can relate to the ease
20 that social media may bring.

21 As a young female myself, I can sympathize with what
22 the victims may have gone through. I feel for you, and I know
23 exactly how it feels. I too have instances almost every day
24 where I have receive random, unwanted, and explicit messages,
25 pictures, and videos. It is sad that my generation is exposed

1 to content like this in today's times. And I immediately
2 block, delete, and remove people like this from my social
3 medias and will continue to always do so.

4 So I can feel for the young girls who had to go
5 through this like me, and I'm very sad and disappointed in my
6 brother that he had to be one of those people for you.

7 But I can tell you now that my brother is a changed
8 man. Although this incident happened on the phone online,
9 Bilal realizes that he hurt people in real life and not just on
10 the phone and feels horrible. And, again, I am conveying his
11 apologies today as well for his actions and for those whom he
12 has hurt.

13 One thing about Bilal is, although we've grown up
14 together and fought and argued as almost every sibling does, he
15 was and is never shy to say sorry whenever he's done something
16 wrong.

17 Your Honor, my brother is a good guy. As someone as
18 close in age to Bilal, I have made bad choices and poor life
19 decisions as well and have learned tremendously from them, and
20 I can assure you Bilal has learned from this, too. He has
21 become a wiser man and will never forget what he has learned
22 from this.

23 He has been -- he has become closer to his faith and
24 morals for the past two years, and he understands and
25 acknowledges the severity of his actions.

1 He does not want to cause any greater friction or
2 disruption to anyone's lives anymore, not to the victims, not
3 to his family, and definitely not to himself.

4 Bilal is a peaceful person, and he will not disappoint
5 you.

6 And I know that the fact that Bilal hurt others is
7 hurting him even more inside.

8 Your Honor, all I ask from you is to give Bilal a
9 second chance at life. I know my brother, Your Honor, and I
10 feel like I understand and can connect with him on a deeper
11 level because I am so close in age to him.

12 Let him prove to you and to everyone that he can, in
13 fact, live a life full of redemption, greatness, and wisdom
14 from everything that he has learned thus far.

15 Bilal is now a changed man and a better version of
16 himself. I can assure you -- and he says, too -- he promises
17 to be a better member of society and, overall, a pure human
18 being.

19 I ask you respectfully, Your Honor, to give my brother
20 leniency and mercy -- mercy during his sentencing.

21 With that said, thank you for giving me the
22 opportunity to speak today and may God bless everyone.

23 Thank you.

24 **THE COURT:** Thank you very much.

25 **MR. BALTER:** Thank you, Ms. Siddiqui.

1 If you could reposition the camera so that your father
2 is centered on the screen or maybe you want to change seats,
3 would that be easier? So that he can be right in -- why don't
4 you change -- that's good. That seems to be good.

5 Mr. Siddiqui, good morning, sir.

6 **RAFAY SIDDIQUI:** Good morning.

7 **MR. BALTER:** If you could identify yourself to the
8 Court, and then you can give your statement on behalf of your
9 son Bilal Siddiqui.

10 **RAFAY SIDDIQUI:** Okay. Good afternoon, Your Honorable
11 Judge. My name is Rafay Siddiqui. I am Bilal's father. I
12 came to U.S. in 1982 from India when I was only 17 year old.

13 I attended school two year. Then in 1984, I started
14 working and doing the job at the same time for Baltimore City
15 Department of Recreation, and now it is my 37 year working.

16 First, I want to apologize to the victims and the
17 victim family. I am deeply -- I am deeply sorry, and I am very
18 saddened by the trouble my son have caused. Whenever I visited
19 my son, he always -- he always tell me, "Dad, how I can express
20 my apologies to the victim families?"

21 I advise him to talk to your counselor and your
22 lawyer.

23 Me -- me and my family are very disappointed by the
24 unfortunate choice my son have made. Although my son has made
25 a poor decision, prior to this, we never have any complaint or

1 trouble whatsoever from my son, from the neighborhood, and when
2 he's going into the middle school and the high school and any
3 family member or friends.

4 Bilal has always been a very caring and selfless
5 person like everyone else said in this hearing.

6 One instance I remember one day, our neighbor came to
7 our door and dropped off a cake. He said, "You have a good
8 son. This for -- this for him to say thank you for what your
9 son did for me."

10 That day I came to know Bilal voluntarily shoveled and
11 removed snow off his sidewalk and the driveway.

12 Our neighbor had an open-heart surgery and was dealing
13 with the heart complications.

14 Also, the other time he went to help another neighbor,
15 he have a flat tire on his car. And he have difficulty
16 putting -- taking off the tire and putting that.

17 So this is -- this is the nature of my son. Bilal was
18 also an active volunteer for three different organizations in
19 the community centers.

20 He helped distribute food, like Naveed and
21 Maqbool Patel and my daughter said, to those -- he distribute
22 food to those in need, have organized fundraiser in colleges,
23 in community center, and set up special event for the community
24 that took place.

25 Bilal helped in parking lot for parking cars, helping

1 people out. And he do a lot of security, foot patrolling in
2 our communities, for our local communities. Bilal is always
3 there for people and love to help people any way he can.

4 Your Honor, Your Honorable Judge, Bilal is completely
5 changed person now. He learn from his mistake. I see him now
6 become a better person and better version of himself in the
7 past two year.

8 After he has been going through the consequences --
9 the consequences, I know my son would never do something like
10 this again. He is not there -- he is not there -- he is not a
11 threatful person. He will take the lesson he have learned and
12 move on from this one as a better person.

13 Your Honorable Judge, all I can say is to give my son
14 a second chance, please.

15 Have mercy and leniency on my only, only son I have,
16 the only son I have, Your Honor.

17 I know my son -- I know my son, Bilal, he is in lot of
18 pain and hurt. He's already turned around and will prove to
19 you, Your Honor, and family and community that he is a good
20 citizen and a member of the society.

21 I can promise you, Your Honor, my son will never
22 disappointed you.

23 I humbly request to show my son and give him the least
24 time of incarceration possible.

25 Your Honor, I know my son. I know how --

1 **THE CLERK:** Your Honor, I'm sorry. I apologize.

2 Mr. Siddiqui, give me one second. We've lost
3 Mr. Bilal.

4 **IT TECHNICIAN:** Give me one moment.

5 (Pause.)

6 **IT TECHNICIAN:** He should be back.

7 **THE CLERK:** Mr. Bilal, are you able to hear me? It's
8 Jakiba from the Court. Raise your hand if you can hear me or
9 give me a thumbs up.

10 Okay. Great. Thank you. You can continue,
11 Mr. Siddiqui. I apologize for the interruption.

12 **MR. IZANT:** Ms. Herman.

13 **THE CLERK:** Yes.

14 **MR. IZANT:** Would it be possible to ask the defendant
15 whether he actually experienced any absence from these
16 proceedings or whether it was just reflected on our end.

17 **THE CLERK:** I actually got a phone call. That's why I
18 blacked myself out. I got a phone call from Mr. Mike Mani
19 saying that the jail called him saying that we lost
20 Mr. Siddiqui, so it maybe was a few minutes.

21 Mr. Siddiqui, how long were you not hearing or seeing
22 us? Was it a long time; do you know?

23 We can't hear you. You're muted. Give me a second.
24 I'm going to get you unmuted if I can.

25 **MR. IZANT:** Alternatively, we can just defer to

1 Mr. Balter on whether we need to back up at all.

2 **MR. BALTER:** We'll find out.

3 **THE CLERK:** Can you hear us?

4 **THE DEFENDANT:** Yes, I can hear you.

5 **THE CLERK:** How long were you away? I mean, how long
6 did your camera and your mic go out?

7 **THE DEFENDANT:** Just shortly after my younger sister's
8 speech started.

9 **THE CLERK:** So you've been gone -- did you hear
10 anything your dad said?

11 **THE DEFENDANT:** No, I did not hear anything.

12 **THE COURT:** Let me turn to you, Mr. Balter.

13 Obviously, those witnesses, Mr. Siddiqui's father and
14 his younger sister, have also submitted letters.

15 Do you want to consult with your client about whether
16 he would want those repeated or not?

17 **MR. BALTER:** Your Honor, I will. If we could have a
18 brief breakout, I will confirm for the Court.

19 **THE COURT:** Okay.

20 **THE CLERK:** Yes. I'll do that right now for you.

21 And, Your Honor, if you would like, I can put you in
22 the waiting room again.

23 **THE COURT:** Sure. You can do that.

24 (The defendant conferred with counsel.)

25 (Recess taken.)

1 **THE COURT:** We're all back.

2 **THE CLERK:** It looks like we're ready, Your Honor,
3 yes.

4 **THE COURT:** All right, Mr. Balter.

5 **MR. BALTER:** Yes. Your Honor, there is no reason to
6 repeat anything. We're ready to proceed.

7 **THE COURT:** All right. Mr. Siddiqui, would you raise
8 your hand if you agree with that.

9 **THE DEFENDANT:** (Complies.)

10 **THE COURT:** Thank you, Mr. Siddiqui.
11 Mr. Bilal Siddiqui has raised his hand as well. All
12 right.

13 **MR. BALTER:** Thank you.

14 Mr. Rafay Siddiqui, you can finish your statement.

15 **RAFAY SIDDIQUI:** Okay. Thank you.

16 Your Honor, I can promise you my son will not
17 disappointed you. I humbly request to show my son and give him
18 the least time of incarceration possible.

19 Your Honor, I know my son, and I know how he is a
20 person, know he acknowledge, understand the poor decisions he
21 made.

22 What is the consequences he is going to -- what he is
23 going through, the consequences, he never do or repeat this
24 action again.

25 In the younger generation, everyone at every age seems

1 to have a phone and everyone is attached to their phones.

2 Bilal also attached to his phone. He thought this was
3 like a video game and that it was not real to him. He did not
4 know he was causing trouble to real people.

5 Now Bilal know the severity of his action if he knew
6 he was away from his family and will never do this.

7 Me and my family will forever be grateful to you,
8 Your Honor, your merciful sentence giving to this young man a
9 second chance.

10 Thank you for giving me the time to speak today. God
11 bless you. Thank you.

12 **THE COURT:** Thank you, Mr. Siddiqui. Thank you very
13 much.

14 **MR. BALTER:** Thank you, Mr. Siddiqui.

15 Can you now move the camera over so we can get the
16 statement from Mrs. Siddiqui, Mrs. Sheeba Siddiqui.

17 Can you hear us, Ms. Siddiqui?

18 **SHEEBA SIDDIQUI:** Yes.

19 **MR. BALTER:** Okay. Can you identify yourself and give
20 your statement in support of Bilal Siddiqui.

21 **SHEEBA SIDDIQUI:** Yes. Good afternoon,
22 Respected Judge. My name is Sheeba Siddiqui, and I'm Bilal's
23 mother.

24 **THE COURT:** I'm sorry. Let me interrupt for just a
25 moment. I'm having a little difficulty hearing you,

1 Ms. Siddiqui. Can we get the volume any higher.

2 **SHEEBA SIDDIQUI:** Good afternoon, Respected Judge. My
3 name is Sheeba Siddiqui, and I'm Bilal's mother. I have three
4 daughters and one son.

5 Should I continue?

6 **THE COURT:** Fine.

7 **SHEEBA SIDDIQUI:** Firstly, Your Honor, I really
8 appreciate that you gave me this chance to apologize on Bilal's
9 behalf.

10 When I first heard about Bilal's actions, I was
11 shocked. I couldn't believe for days that Bilal could do
12 something like this.

13 My son made a bad decision. I want to apologize to
14 the victims and their families.

15 I am praying for them that God heal their pain and
16 mines to. I know how hurtful and painful this must be. I have
17 daughters myself, and I understand.

18 My son made a bad choice, Your Honor. But when I talk
19 to him, I know how sorry he is. He regrets his behavior.

20 My son is a good kid. He always had everyone around
21 him. He did a lot of volunteer work. He always had good
22 behavior in school. I'm not saying this because he's my son,
23 but I never had any problems with him before in school
24 community or among friends.

25 He's a very caring and considerate person.

1 For example, I remember once I went to the mall with
2 my kids and I liked a bracelet, I think, in Macy's or Sears. I
3 picked it and looked at it, but then I put it back saying, "I
4 can't afford it."

5 Later, after a month, it was Mother's Day, and he had
6 got it for me. He saved all his pocket money for this gift.

7 I didn't even know he saw me looking at it, and he
8 remembered the exact one and was thoughtful enough to buy it
9 for me. That's the kind of person my son is, Your Honor. He's
10 very sorry for what he has -- for what has happened. He is
11 very remorseful.

12 I know as a mother how hurtful it must be. I do have
13 a daughter who is now 14 years old, and I'm ashamed that my son
14 has hurt people around his sister's age.

15 Whenever Bilal calls me, he tells me how sorry he is
16 towards the girls he's hurt because he now realizes they're
17 around his little sister's age. He tells me how he never wants
18 something like that to happen to his sisters. He wants to be a
19 good brother to all his sisters. He promises me he will never
20 do something like this again.

21 He's a changed person now. He's my only son. Please
22 give him a second chance, Your Honor.

23 He understands what he has caused to others, and he
24 feels terrible. He has never done something like this before.

25 He always puts others first and then himself.

1 For example, when he was just 9 or 10 years old,
2 Your Honor, I went to a waterpark with my family, and I fell in
3 the water and couldn't get up. And because the flow of the
4 water was so rapid and I didn't know how to swim and neither
5 did Bilal, but he kept holding my hand and trying -- and trying
6 to pull me out of the water.

7 He was so young, but he didn't leave my sight until I
8 got out of the water. My son is this way with everyone, not
9 just with his mother, Your Honor.

10 Before the families who are going through this, I
11 would like to apologize again to the victims, families, and on
12 my son's behalf and as a mother. As a mother, I am with you.
13 I feel you. And my son is extremely sorry, and he regrets what
14 he has done. I know he will never do this again, Your Honor.
15 Please show him mercy. Please don't end his life before it
16 even began.

17 Thank you for giving me this opportunity to speak,
18 Your Honor. Thank you.

19 **THE COURT:** Thank you. Thank you very much.

20 **MR. BALTER:** That completes the character witnesses.

21 So I am prepared to begin my presentation, if the
22 Court wants me to start now or if you're going to take a break.

23 **THE COURT:** I was just about to say I think that I
24 should take a break. We have been going for quite some
25 substantial period of time, and I assume that perhaps a

1 ten-minute recess is something that we would need to do.

2 I will say, unfortunately -- I guess I'll ask you,
3 Ms. Herndon. We have another proceeding that was supposed to
4 start at 2 o'clock.

5 Perhaps you can inquire during the break whether that
6 can be pushed back somewhat.

7 **THE CLERK:** Okay. I'll e-mail everyone to let them
8 know that we're going to probably start a little late, if
9 that's okay.

10 **THE COURT:** All right. And then I leave it up to you
11 with the best way to accomplish this. I think you sort of take
12 people off video, but if we can adjourn for about -- recess for
13 about ten minutes.

14 **THE CLERK:** Absolutely. This Honorable Court is now
15 in recess for ten minutes.

16 And, Your Honor, I'll just put you in the waiting
17 room. Everyone else can just stop their video.

18 **THE COURT:** Okay. Thank you.

19 **THE CLERK:** All right. You're welcome.

20 (Recess taken.)

21 **THE CLERK:** This Honorable Court now resumes in
22 session.

23 **THE COURT:** All right. Let's see. I think,
24 Mr. Balter, we're ready to hear from you.

25 **MR. BALTER:** Thank you, Your Honor.

1 Your Honor, let me start my presentation on behalf of
2 Mr. Siddiqui, Mr. Siddiqui's family extending, again, his
3 apologies to the victim families. To the extent that any of
4 those family members are listening to this proceeding, I would
5 just like to say that the amount of pain and hurt that must be
6 felt is -- there's no way to imagine how strong it must be.

7 And while I am here to represent and help
8 Mr. Siddiqui, I can assure everyone that no part of this is
9 meant to minimize the amount of hurt and the amount of pain
10 that everybody felt.

11 Your Honor, I am going to be ready to make a
12 sentencing recommendation for an extremely long sentence. I'm
13 making a recommendation for a 15-year sentence. And while that
14 is the mandatory minimum in this case, in any kind of absolute
15 terms, that is a very, very long sentence.

16 Mr. Siddiqui is a 23-year-old, young man. He was a
17 college student when he was arrested on these charges. He has
18 absolutely no criminal record whatsoever. From everything the
19 Court already heard, he was just known to everybody who knew
20 him well as a good kid and, frankly, a compliant kid.

21 And what I'd just like to do is draw a little bit from
22 all that information we had and some of the other information
23 that's in the PSR and what we included in our papers to just
24 try to provide some kind of a context for how we get here
25 because obviously the Government is essentially saying that

1 this is monstrous conduct and it had to have been committed by
2 a monster and the only way to contend with that is to give --
3 is for the Court to impose a sentence which essentially says
4 that Mr. Siddiqui has forfeited the better part of his life.

5 If the Court were to follow the sentencing
6 recommendation of 27 years, that's a longer period of time than
7 Mr. Siddiqui has been alive. It brings him, frankly, to late
8 middle age. It basically represents close to the equivalent of
9 a life sentence.

10 The mandatory minimum is a very, very stiff punishment
11 under any circumstances.

12 The fact that it is classified as a minimum in this
13 case doesn't mean that it's not severe. It doesn't mean that
14 it wouldn't be a very, very strong statement with respect to
15 how serious and reprehensible his conduct was.

16 But still is -- the challenge of this case is coming
17 to the point of where do you balance the two?

18 I think that there is a way of looking at what
19 happened here in which very reprehensible acts were committed
20 by a person who is not a monster. And I think putting together
21 some of the pieces that we know about Mr. Siddiqui's
22 background, putting together some of the pieces that we've
23 heard about from the character witnesses about the way that
24 social media works and how it basically is a ubiquitous
25 influence and a ubiquitous presence in modern-day life for

1 young people that, quite frankly, I don't understand, but I
2 think is pretty obvious to younger people, I think we kind of
3 come out here somewhere in the middle with respect to where --
4 what conclusions we ought to draw about how we match a just
5 punishment with acts that are shocking, frankly, to all of us.

6 We heard information about Mr. Siddiqui's childhood.
7 He's a parent of -- or he's a child of an immigrant family,
8 immigrants from India, devout members of the Muslim faith, a
9 very conservative family, a family in which there are very,
10 very high expectations of the way that children should conduct
11 themselves, the way that children should achieve, the way that
12 children should adhere to basically classical Muslim values,
13 Muslim culture, Muslim habits.

14 And Mr. Siddiqui submitted a statement to the Court,
15 and he's going to talk to the -- he's going to address the
16 Court directly later. But, you know, he just remembers, you
17 know, nothing -- he always felt like he just didn't add up. He
18 just felt like, you know, whatever he did, it kind of wasn't
19 enough, either for his family or himself.

20 He originally struggled in school. One of his sisters
21 said, you know, took him twice as long to do anything as the
22 other kids, as the other kids around. He might have worked
23 hard, but there were challenges. He wasn't particularly
24 confident about himself physically. He was a smaller kid.

25 The family originally lived in the Windsor Mill area

1 when they emigrated to the -- when they located themselves in
2 Baltimore. When he was in the public schools there, he was,
3 frankly, picked on. He was picked on because of his size,
4 maybe his demeanor, probably because of his heritage as well.

5 There was reference to the fact that, you know, when
6 he was a kid, you know, some of the other kids at school would
7 call him Osama Bin Laden, stuff that was obviously hurtful.
8 And, again, none of this stuff is an excuse, but it is just
9 part of what the context was about what it was to grow up like
10 Bilal Siddiqui.

11 He was a compliant child. You'd ask him to do -- if
12 the family would ask him to do something, he would do it. He
13 was thoughtful. He's always thinking about his siblings. But
14 still at the same time, there was something that kind of wasn't
15 quite working for him.

16 There wasn't a positive sense of himself. He tried to
17 make other people happy because maybe to a certain extent, he
18 wasn't particularly comfortable in his own skin. And that's
19 kind of the way he grew up. There was a lot of conflict in his
20 life. At times there was turmoil within the house in terms of
21 some friction that existed between his parents. And one can
22 see how there was, to a certain extent, a recipe for disaster.

23 One can see how there was a circumstance in which a
24 kid who at all appearances was doing the right things in terms
25 of trying to make everybody happy, being the last person to

1 either be insolent, the last person to make trouble when he was
2 picked on. He was the kid who wasn't going to fight back. He
3 was the kid who was going to go home and cry. That is the kind
4 of kid that Bilal Siddiqui was.

5 And as he grew up, I think what may have happened was
6 these feelings which led to an overall lack of self-esteem, a
7 lack of feeling he wasn't comfortable in his own skin, led to
8 the point where, you know, he -- there was something missing in
9 his own sense of self-identification that in some way could be
10 salved by entering into a world in which, to a certain extent,
11 he could be somebody else.

12 And I think for a lot of kids, for a lot of people
13 what social media presents is that opportunity to escape into
14 something else.

15 And I think that this is one of the issues that -- in
16 terms of what the defense and the Government have presented, in
17 terms of just how severe this conduct was.

18 I think one of the areas of departure was in terms of
19 how you factor in, in essence, the avenue that may be used by
20 an offender, different types of offenders under the child
21 exploitation statute to accomplish conduct which is certainly
22 agreed by all to be absolutely reprehensible, but some of
23 which, with respect to the offender himself, may lead to a
24 conclusion that it's not necessarily the product of an
25 individual who is inherently bad.

1 It's the -- perhaps the product of a -- of an avenue
2 of expression that can morph into something incredibly harmful,
3 incredibly destructive when perhaps abused by an individual who
4 otherwise would not be that type of aggressive, that type of
5 predatory person.

6 And I think that that is one of the -- the perplexing
7 issues of this case.

8 From everything one can infer from this information --
9 and I think as one of his sisters described, you know, once
10 Mr. Siddiqui found that phone, he found that screen, he kind of
11 began to just escape into it.

12 There was a certain anonymity that went into it. And
13 when he got on that screen, he was no longer the kid who
14 everybody called Osama Bin Laden. He was no longer the kid who
15 everybody, you know, would pick on because of his size or
16 reject because of what his heritage was or in some way wasn't
17 adding up to what the stereotypes of the cool kid was.

18 He was somebody -- somebody other than that.

19 And perhaps he found a place for himself and perhaps
20 what was going on and what, unfortunately, may happen far too
21 often is you hit that slippery slope in which you find an
22 identity which is more pleasing to you than the identity that
23 the real world gives you and it becomes an all-absorbing -- an
24 all-absorbing way of relating to the world.

25 In Mr. Siddiqui's letter to you, he said that he

1 became addicted to the phone. And there may be something to
2 using that particular -- that particular expression.

3 And I think the issue comes up is whether or not a kid
4 who is essentially a good kid can find himself in that position
5 and his conduct morphs into something that is absolutely
6 reprehensible but is still the product of somebody who at their
7 core is not a monster, is not someone who is innately evil. It
8 is -- it is some -- it is the product of somebody who is very,
9 very troubled.

10 And, you know, within the context of this proceeding,
11 obviously nobody can absolutely get to the bottom of that.
12 There is no way in which one can do this.

13 And, quite frankly, I appreciate the fact that the way
14 the Government approaches this sentencing is, you know, you
15 look at all of it, and certainly the outcome of what
16 Mr. Siddiqui did being as serious as it was, the public has to
17 be protected. There is no question.

18 I mean, they talk about much of it in terms of, you
19 know, the potential harms that come out of this type of
20 activity, and that's certainly true.

21 But it's also based on the assumption, in essence,
22 that this is all there is to Mr. Siddiqui, that after 15 years,
23 if there were to be a minimum sentence, that that is the person
24 who hits the ground running, doing exactly the same thing.

25 And I don't think that's what's suggested by what

1 we've heard here.

2 We've heard too much from too many people to believe
3 that that, in fact, is what we have here.

4 We do have enough information to realize that what can
5 happen when a kid sinks into the abyss of social media and the
6 Internet can have disastrous results, but you have to look at
7 it on a case-by-case basis as to how you would get there. What
8 were the circumstances that led this particular individual to
9 react in this particular way?

10 And within that, you come to -- you have to weigh
11 everything, all the factors under the 3553(a) because this
12 Court has to engage in an individualized fact-finding and
13 sentencing, which is based not only on how serious the conduct
14 was -- and certainly it is serious.

15 Again, I want to make absolutely clear where -- there
16 is nothing about what is being presented to the Court that
17 doesn't present a very, very serious picture. Everybody has
18 read what was in that transcript of the proceedings with
19 Victim 4. It's just shocking language, shocking things said.

20 But it doesn't -- it doesn't define who this
21 particular individual is. It defines a very troubled young man
22 who at a particular point in his life, perhaps hitting the -- a
23 low point, came to he -- found himself in a position where --
24 I'm sure as he looks back on it -- I know now, he looks back on
25 it and can't believe that he was capable of such actions.

1 You know, is it understandable how he got there?
2 Perhaps. It's shocking in terms of who he was. It gave him a
3 glimpse of something different. In some way it gave him a
4 sense of control he never had otherwise.

5 He was the exact opposite. It was 180 away from what
6 everyone in his family knew about him. And they're shocked,
7 but that is the context. That is the context. And it's within
8 that context that I'm going to make my arguments to the Court
9 about the way in which the guideline factors should be applied
10 and various other aspects of it.

11 But I think that that is -- that's the gut issue here
12 in terms of: How do you reconcile a young man who impressed
13 everyone in this way with the actions that are presented here?
14 And how do we come out with a sentence that is meaningful and
15 protects the public and takes into account, you know,
16 everything about the reprehensible acts to the victims and the
17 sum -- very -- much information about the offender that says
18 that he is not just what is reflected in those acts.

19 Your Honor, with respect to the guidelines in this
20 case which -- I think everybody agrees. The guidelines in
21 child sex exploitation cases are so high, based on -- based on
22 the way they are applied literally and the way that the defense
23 stipulated to them in this case. You know, it's -- I mean, 43
24 is mandatory life. Offense level 51 is where he ended up here.

25 And it is significant not -- it certainly represents

1 what -- how serious this type of conduct is. But to a certain
2 level, it almost represents, I believe, an abdication by the
3 Sentencing Commission in terms of coming up with any meaningful
4 way of distinguishing among offenders and among conduct.

5 I mean, if Mr. Siddiqui is a Level 43 or a 51 in this
6 case, I mean, from my experience, there are other cases of
7 exploitation of the most acute type of hands-on, predatory,
8 aggressive conduct, offender to victim, that are -- are in a
9 different class. They're in a different class.

10 And because of the fact that there is really no
11 meaningful way of distinguishing within the guidelines among
12 those type of offenders, it reasonably doesn't give the Court
13 what the guidelines are supposed to give. According to *Booker*,
14 there's supposed to be a starting point to determine what the
15 appropriate sentence is.

16 And if it's a starting point, it's from there that one
17 evaluates the variance, and the Government referred to the
18 defense arguments as we're requesting a huge variance.

19 Well, yeah, that's true. It's a huge variance from
20 life. But by the same token, to the extent that everyone
21 agrees it is a -- almost a fictional starting point in terms of
22 the fact that it doesn't distinguish among offenders, that it
23 puts the defendant in a position that he starts out in the
24 position of starting out from life and then arguing down from
25 there.

1 So, of course, 15 years is going to look like a huge
2 variance. It's going to look like a huge variance when you're
3 starting out at life.

4 But it's -- it is -- I think because of the fact that
5 it doesn't tend to distinguish or sufficiently channel the
6 discretion of the Court, the guidelines almost become
7 meaningless.

8 And the only way, obviously, in a case like this the
9 Government can even induce a plea is to put a cap on what the
10 exposure is. And so having put a cap on it and then we have --
11 we're dealing with a practical range of 15 to 30 years.

12 Putting a cap on it, the Government is making a recommendation
13 of towards the high end of -- of that range. I understand that
14 because they're bound by it.

15 But still it, to a certain extent, is predicated,
16 well, this is what the guideline was to begin with.

17 So I think that in this particular case, there has to
18 be a fresh look at this because of the fact that it is unmoored
19 to any real, practical guidance from the guidelines.

20 Your Honor, I made some arguments with respect to the
21 individual guideline factors. But as a practical matter -- you
22 know, and I argued it was a matter of the fact that certain
23 guidelines might overstate what the level of the conduct was.
24 And even if I were to -- even if the Court decided that, well,
25 you're right on all of these arguments, we'd still be probably

1 in a life guideline.

2 But what I would point out with -- for instance, with
3 respect to the guideline of him being a repeat and persistent
4 offender, Mr. Siddiqui over 18 months committed many bad acts.
5 There is no question about that. He was arrested. He had no
6 prior record. He was not, in the way that we think of a
7 recidivist, a recidivist.

8 This guideline has always struck me. And I --
9 originally, when I was -- I first came in contact with it, I
10 always inferred initially the "repeat and persistent" would
11 have referred to basically a recidivist, somebody who may have
12 been convicted or at least caught on prior occasions; and then
13 after giving that notice, goes back and commits additional --
14 additional sexual acts.

15 I mean, I have seen certainly cases in which we have
16 individuals with prior -- with prior convictions in the state
17 system for sexual abuse, one type of sexual abuse or another,
18 and then they come into the federal system. That, certainly
19 arguably, is a repeat and persistent offender, as opposed to
20 someone who is -- doesn't have that record, comes into our
21 system at the time he is arrested with no -- with no prior
22 record.

23 There is such a large scope of conduct which is taken
24 into account by that that I think it almost becomes
25 meaningless.

1 And that is overall the realm of -- of why I believe
2 the Court, in just looking at these guidelines, has to really
3 start with a fresh look at, well, how do we evaluate this
4 conduct in terms of many, many, many other factors?

5 Your Honor, we argued in this case that Mr. Siddiqui's
6 conduct was outside the heartland of offenses under the child
7 sexual exploitation statute, 2251. And the Government
8 certainly took issue with that.

9 And I just -- I would like to explain our position a
10 little bit on that because to a certain extent, the
11 Government -- the Government was arguing, well, the offenses
12 that are associated with 2251 applies at least equally to both
13 texting-type offenses as well as offenses related to hands-on
14 type of conduct.

15 And it is our position that the hands-on conduct
16 generally, generally, is of a more severe nature than the
17 texting type of -- than the texting type of conduct.

18 And certainly I will acknowledge right now, within
19 this particular case in front of the Court, it is not just face
20 texting. There is a level of aggravation to it in this
21 particular case. It's the combination of the texting and the
22 cyberstalking and the coercive nature of it and in addition to
23 what happened with the distribution of the image. I'm well --
24 I'm well aware of that. All right?

25 But, Your Honor, again, I think that when we compare

1 that to what is often the underlying conduct related to a 2251,
2 which is generally that the offense in its basic form is a
3 sexual assault. It's a sexual assault often perpetrated by a
4 family member or some other person who has control over that
5 child and -- you know, and exploits that child in such a way,
6 maybe because they live under the same roof, maybe because
7 they've been put in care, but there is something absolutely
8 predatory about what that relationship is.

9 In the sexting context -- and, again, I don't mean to
10 minimize, but in the sexting context, if you look at the way --
11 at the derivation as to how the incident occurred with regard
12 to victim number 1, what occurred is that 9-year-old child
13 apparently was on the Internet on her own. I mean, there was
14 nothing -- she wasn't induced to come onto the Internet. As a
15 result of her apparently going onto the Internet on her own,
16 she found her -- she -- again, I don't even know the
17 nomenclature which is used in terms of the sites or the rooms
18 or however it's described as to where she would be.

19 But she first came in contact with Mr. Siddiqui as a
20 result of the fact that there were many adults that were there
21 apparently encouraging her to take action which was of a sexual
22 nature in terms of exposing herself and things of this sort.

23 And there is no minimizing how serious that is. There
24 is no minimizing how serious, but I would argue to the Court
25 that that is of a different character than the actual hands-on

1 taking under physical control in the direct personal way.

2 And, you know, I understand the countervailing
3 arguments.

4 And, again, Your Honor, it's so difficult with respect
5 to how awful the conduct was in a case like this to make these
6 gradations in terms of the seriousness of the conduct.

7 But that, in essence, is what one has to do in this --
8 within this whole realm of extremely serious, aggressive
9 conduct. There are gradations. There are different ways of
10 looking at it.

11 And it was within that realm that we suggested that
12 there is perhaps a lower class of offense within that which is
13 cognizable under 2251 than what was classically the sexual
14 exploitation which generally was associated with hands-on
15 offenses.

16 We can understand now, Your Honor, with the ubiquity
17 of activity on the Internet, with the ubiquity of offenses of
18 this nature, how it becomes a concern of Congress, it becomes a
19 concern of the courts as: Do we want to protect our children?
20 That is an absolutely noble thing for everyone to be doing.

21 But to not -- but -- but to not draw distinctions
22 between both the offenders and the type of conduct within that
23 realm and appreciate the fact that there may be different ways
24 of getting to this place, I think would be wrong. And it's
25 within that realm that I believe that Mr. Siddiqui is entitled

1 to more -- is entitled to more leniency than one who was
2 involved in that direct, hands-on type of conduct.

3 Your Honor, in terms of coming to a place in which
4 there is a certain level of -- because the guidelines, again, I
5 submit, don't sufficiently channel the way the Court is going
6 to exercise its discretion. And I think the role of
7 proportionality in terms of looking at other cases is very,
8 very relevant.

9 And I realize, again, each case has got its own
10 individualized, awful elements to it but still gives some type
11 of guidance.

12 We cited to the Court two cases within the district
13 which we think give some guidance as to very, very serious, if
14 not worse, cases that came -- that resulted in one case a
15 sentence of 15 years and in another 10 years. In the *Punzalan*
16 case, a 2015 case with, I believe, Judge -- that was
17 Judge Motz. And I believe that that was a (C) plea in that
18 case.

19 Certainly in terms of what is alleged in the statement
20 of facts in that case and the factual predicate for this case,
21 it would appear to be the closest.

22 In *Punzalan*, there were four incidents with a young
23 victim in which there were -- there were instances in which
24 there were images -- images or videos that were demanded.

25 I believe in each of those four incidents, there was

1 coercive action by the defendant in terms of threats that if
2 the victim did not supply what was being asked for, there would
3 be dissemination of the images that had already been -- that
4 had already been sent over by the -- by the victim.

5 And in one of those instances there was an -- as in
6 this case, there was an actual publication to others, to family
7 members, I believe, of the pictures that had been sent over by
8 the victim.

9 So to the extent that we have kind of the same case, a
10 case that's very, very similar, I think the fact that in that
11 case that there was a mandatory-minimum sentence -- and I am
12 aware of what the Government said with respect to the tragic
13 outcome of that case.

14 Again, it's -- the pain, the suffering that the victim
15 felt in that case was absolutely enormous. But to the extent
16 that it gives some type of a benchmark as to the way in which
17 a -- the Government, the defense in that case came to a -- an
18 agreement as well as a -- as one that was accepted to the
19 Court, I think it gives some guidance.

20 With the other case that we cited, the *Speelman* case,
21 a 2009 case, that was a case of a 52-year-old -- a 52-year-old
22 defendant who was -- had misrepresented himself. In fact, he
23 mis -- it was a 52-year-old male represented himself as a
24 teenage -- as a teenage lesbian to induce photos being sent.
25 And there was -- and then there were even further

1 misrepresentations.

2 The reprehensible nature of the way in which the
3 juvenile was induced to give images, to send images over were
4 shocking.

5 But we still come to the -- the conclusion in that
6 case, there was a ten-year sentence that was imposed.

7 And I realize every case is different. I realize, you
8 know, that every case -- we don't know what the individual
9 circumstances of the defendants were in those particular cases.
10 There could be other -- other extraneous circumstances, events
11 that were -- that were not taken into account.

12 And I think that those are things that -- but
13 nonetheless, to the extent that it sets a benchmark of what a
14 reasonable sentence was in another context, it's something the
15 Court should consider carefully here.

16 Your Honor, I have also cited several cases of
17 sex trafficking which have been -- which arise from cases in
18 which the defendant has been prosecuted on the prong of
19 sex trafficking which is -- relates to minors, to trafficking
20 individuals under the age of 18, because I think to a certain
21 extent, they are -- those cases are at least analogous to the
22 extent that there is the exploitation of a younger victim. I'm
23 not exactly -- I have never been able to understand why it is
24 in those cases that Congress has chosen to have a mandatory
25 minimum of ten years as opposed to a case of -- a production

1 under 2251, which is 15 years.

2 But I think if we look at the body of cases that have
3 been handled in this district, many cases in which there has
4 been a minor victim -- and I think that the factual background
5 in those cases is usually fairly similar, that minor victims
6 are exploited by the traffickers -- by the pimps in such a way
7 so that they are -- they are trafficked to numerous customers
8 for commercial sex on a daily basis. The traffickers
9 themselves generally have relations with those young girls.

10 And it's hard to imagine a more predatory, damaging
11 type of relationship that is -- than is reflected in those
12 cases. And those cases generally, generally end up with a
13 lower sentence than the Government is recommending in this
14 case.

15 Many of those cases end up with sentences in the range
16 of 10 to 16 years. I think I cited them all in my papers. I
17 won't go through them again.

18 But I submit that, again, it's always difficult to
19 make any kind of comparison between how bad -- how bad the
20 facts of one case is versus another because they're all
21 incredibly bad.

22 But I would suggest that they also give some guidance.

23 The Government makes a point of, in essence, saying
24 that Mr. -- Mr. Siddiqui's youth, in essence, is a reason to
25 give a longer sentence; that because of his youth, that if he

1 is released from prison in only the mandatory minimum of 15
2 years, he presents such an overwhelming risk to society that
3 because of his youth he should get a longer sentence.

4 I think to a certain extent it is counterintuitive to
5 many of the considerations that there is in sentencing that,
6 first of all, there is an understanding that among the young
7 offenders -- and "young" being late teens, early 20s like
8 Mr. Siddiqui -- it's not uncommon for that lack of -- for that
9 young age to be consistent with a certain lack of maturity that
10 they have in terms of their -- just their decision-making,
11 their executive functioning, understanding, having some kind of
12 control over impulses and things of that sort.

13 Mr. Siddiqui has no record. Generally, individuals
14 who have no record are looked at not as disfavorably as those
15 who are recidivists who have had the opportunity on previous
16 occasions to -- to see how significantly they are going to be
17 punished and go ahead and do it again anyway.

18 Mr. Siddiqui, as a functional matter, had no idea that
19 that was the case, that he was going to need to be subject to
20 that type of punishment.

21 Now, I mean, just Mr. Siddiqui to a certain extent
22 wasn't thinking in any kind of reflective way at all, and I
23 think that that -- the idea that just because he's young, he
24 should get a longer sentence is not -- is not well founded.

25 Mr. Siddiqui can be personally deterred. I think the

1 statements of his family underscore the fact that, you know, he
2 has over and over and over again expressed his -- his remorse,
3 his acceptance, and that for those reasons, he is not likely to
4 be a recidivist.

5 I think it can be readily inferred that this conduct
6 was as -- was something that will not be repeated. He had
7 very, very low self-esteem. He made very, very severe
8 mistakes, and that -- those mistakes should not define the rest
9 of his life. I think ultimately the issue is just: How much
10 of his life has he forfeited? And it should not be the
11 functional equivalent of a life sentence.

12 Your Honor, I would, just as other grounds for
13 variance, note the letters and the witnesses have underscored
14 beyond his youth, he has -- he has engaged himself in good
15 works in the community, in charitable works. He's well liked
16 by all. And he has worked with those around him to do
17 volunteer work, which certainly supports his character.

18 Your Honor, as the Court is aware, Mr. Siddiqui has
19 been in pretrial detention now for more than two years. He's
20 been in for, I believe it's about 25 months at this point. He
21 has had to endure the normal conditions that exist at CDF. And
22 those conditions always have included -- there's very poor
23 sanitation there. There's very -- the food is of a very poor
24 quality. There is a very limited amount of recreation and
25 programs that are available. And just the amount of time he

1 has been in pretrial detention there has created harsh
2 conditions of confinement which should be taken into
3 consideration.

4 That is all exacerbated by the fact that the COVID
5 epidemic has made things much more difficult at CDF. They
6 are -- because of the lockdowns that have occurred, generally,
7 from what I understand, the detainees are held in their cells
8 for about 23 hours a day. There is basically no -- I haven't
9 had any contact -- any contact with Mr. Siddiqui in well over
10 six months because of the pandemic. His family hasn't been
11 able to go over there to see him. Those are circumstances that
12 have made life much more challenging and much more harsh over
13 there and should be taken into account.

14 Your Honor, I'd like the Court to take into account,
15 with respect to supervised release, first of all, I am not
16 making a specific recommendation on supervised release. The
17 Court is going to make its decision for any period that can go
18 up to life. And I think that the Court can fashion conditions
19 which will provide a high level of security to the community.
20 While the Government may be accurate that Internet
21 communications have a risk factor because of how readily
22 Internet communications can occur, I think that there are going
23 to be developing most likely -- certainly over the next 15
24 years, there will rapidly be increases in technical capacity in
25 which communications can be monitored.

1 So in summation, Your Honor, just with regard to the
2 3553(a) factors, this is a serious offense. A 15-year sentence
3 would adequately recognize how serious the offenses are.

4 Mr. Siddiqui himself will be deterred, and anyone in
5 the community who hears that there was a 15-year nonparolable
6 sentence in this case would be sufficiently deterred by the
7 imposition of that sentence.

8 And finally, the -- certainly with adequate conditions
9 of supervised release, the public will be protected upon
10 Mr. Siddiqui's release.

11 So for all those reasons, I recommend 15 years as the
12 sentence. That is sufficient -- that is going to be sufficient
13 but not longer than necessary to accomplish the purposes of
14 sentencing under 3553(a).

15 Finally, with respect to a designation, I'm going to
16 recommend that the Court make a sentencing recommendation for
17 FCI Petersburg and that he have vocational training.

18 **THE COURT:** Okay.

19 **MR. IZANT:** Judge, if I may be heard briefly in
20 response?

21 **THE COURT:** You may. Let me first -- because I'll get
22 you to address this at the same time, Mr. Balter. You referred
23 to supervised release.

24 As I'm sure both counsel are aware, there are both
25 mandatory and standard conditions of supervised release that we

1 ordinarily put into judgment and commitment orders. They're
2 reflected in Standing Order 2020-13.

3 We also have a number of special conditions of
4 supervision that are recommended in this particular case, in
5 the presentence report at Page 24, and I guess two things. My
6 first question would be whether there is any objection, either
7 from the defense or the Government, to any of the mandatory --
8 not that I can change them -- mandatory or the standard
9 conditions of supervision, and then I think I need to address
10 the individual specific conditions.

11 But, Mr. Balter, is there any objection to the
12 mandatory and standard conditions of supervised release?

13 **MR. BALTER:** No, Your Honor.

14 **THE COURT:** All right. Mr. Izant.

15 **MR. IZANT:** No objections to those conditions either.

16 Your Honor, I want to respond to five points that the
17 defendant -- defense counsel made. The first one is just to be
18 really clear about the sentence that we're talking about here.

19 **MR. IZANT:** A 27-year sentence is not a life sentence.
20 It's not the statutory maximum sentence. It's not the
21 guideline sentence. It's not even the functional equivalent of
22 a life sentence.

23 So we're not talking about that in this case. If the
24 defendant gets all the good-time credit he's entitled to -- and
25 this is something the Fourth Circuit has made clear the Court

1 can consider at sentencing -- a 27-year sentence actually turns
2 into a 23-year sentence. And the defendant's already served
3 over two years of that time.

4 So we're not talking about a life sentence or the
5 functional equivalent. We're talking about what the
6 Government's recommendation is, is 21 additional years from
7 now. And that puts the defendant barely into his mid 40s.
8 This is not even close to the functional equivalent of a life
9 sentence.

10 The second point I want to make is the defense keeps
11 harping on these distinctions between types of cases, and I
12 just want to make two observations.

13 If the defense wants us to draw distinctions, let's
14 look at the sentences that hands-on offenders get. The defense
15 submits that, generally speaking, hands-on, in-person,
16 predatory offenders deserve longer time because the public
17 needs greater protection.

18 In this district alone, hands-on, in-person, predatory
19 offenders get life sentences. They get 50 years. They get 40
20 years. They get 30 years.

21 And so even if you take the assumption to be true that
22 we should compare these kinds of cases, if you compared these
23 kind of cases, we're not asking for those types of sentences
24 here.

25 This brings me the point about *Punzalan* that we've

1 litigated a lot in our briefs, and that came up again today.

2 First, *Punzalan* is not the universe of cases. If the
3 Court wants to look at cases that are like this case, there are
4 many others to look at beside *Punzalan*.

5 Secondly, the Court -- an important reason for that is
6 there's no record why -- as to why that was a (C) plea and why
7 that (C) plea was to 15 years. It's speculation based on the
8 information that's publicly available.

9 And for all the reasons we cited in our brief, even if
10 you wanted to compare the publicly available facts in this
11 case, they're different.

12 And we're asking the Court not to compare *Punzalan* to
13 Mr. Siddiqui, but just to acknowledge that this is not
14 comparable. In that case there were only four victims. In
15 that case the youngest victim was 12. In that case the
16 defendant was a foreign national and going to be deported. In
17 that case the defendant was only 18 at the time he committed
18 the conduct.

19 Again, this feels sort of like a fool's errand to try
20 and draw these distinctions out because it's impossible to say
21 how they're different.

22 And to the extent the Court wants to benchmark, we
23 don't think benchmarks are appropriate in sentencing. But if
24 you want to benchmark, sextortion cases in this district get,
25 you know, upwards of 30 years. In other districts, they get

1 life. They get 50 years. They get 40 years.

2 And, you know, if we were to find a case in another
3 district that got life, would the Government point to it and
4 say, "Well, we should get life here," the same way the defense
5 points to *Punzalan* and says, "Well he should get 15 years"?

6 We're not doing that. We're not submitting that
7 that's what the Court should do. We're evaluating this case on
8 its own facts.

9 And then, finally, I want to get to the point about
10 escapism. We get it. People have difficult lives. They look
11 for means of escape. The Internet is a means of escape.

12 But this defendant didn't escape from his life to chat
13 with other women his age. He decided to exploit minors,
14 children, 8-year-olds, 9-year-olds.

15 We're not even talking about a case of sextortion of
16 an adult, which alone would be a crime. This defendant, he
17 chose to escape by exploiting children and sextorting children.

18 And so if this is the way the defendant deals with
19 stress, we're not saying the defendant is an evil person
20 because he was online pretending to be someone who he wasn't.
21 We're saying that this defendant is a dangerous person because
22 the way he dealt with his need to escape was to exploit minors,
23 and that makes him dangerous.

24 And in suggesting that he is somehow less dangerous
25 because he was not an in-person predator, the defense points

1 out that Jane Doe 1 was on the Internet anyway.

2 I just want to point out for the Court, we are talking
3 about an 8-year-old child. This is not somebody who went
4 online to be victimized by an adult.

5 And the defense keeps explaining the Internet is
6 everywhere. Everyone is online. Everyone has phones. And
7 that's precisely why this conduct is so dangerous.

8 And to say that, "Well, Mr. Siddiqui isn't a predator
9 because Jane Doe 1 was online anyway," is like saying, "The
10 defendant went to the playground. It was the kid's fault for
11 being at the playground."

12 Mr. Siddiqui went to LiveMe, he went to these sites
13 because that's where kids were. An in-person predator goes to
14 a playground because that's where kids are. It's not the kid's
15 fault that the kid is at the playground.

16 And so for all those reasons, we continue to submit
17 that a 27-year sentence is appropriate.

18 **THE COURT:** Thank you, Mr. Izant.

19 Going back for a moment to the conditions of
20 supervised release, let me just review the special conditions
21 of supervised release that were recommended in the presentence
22 report and see if we have any issues with any of them. I may
23 not read them word for word. I assume you all have them.

24 On Page 24 they relate to installation of
25 computer-monitoring software.

1 Initial and periodic unannounced searches of those
2 computers.

3 Access to financial information that may relate to
4 restitution that may ultimately be ordered.

5 No direct contact with children under the age of 18,
6 other than incidental, without permission of the probation
7 officer.

8 Obviously, not communicating or interacting with the
9 Jane Does or their families without permission.

10 There is a recommendation for a condition of
11 participating in sex-offense-specific assessment and a
12 sex-offense-specific treatment program and, of course, special
13 assessment and restitution being paid.

14 Any objections, additional requests, modifications,
15 anything anybody wants to be heard on regarding those
16 conditions?

17 **MR. IZANT:** Nothing from our perspective, Judge.

18 **THE COURT:** All right. Mr. Balter?

19 **MR. BALTER:** Yes. The only thing I'd like to be heard
20 on with respect to the financial obligations generally is that
21 they be deferred until after Mr. Siddiqui serves his sentence.

22 It's been my -- it's been my experience that for
23 defendants serving sentences, the effects of having to comply
24 with financial obligations with the Bureau of Prisons is
25 extremely onerous.

1 And, again, this is not to diminish what the needs of
2 any of the victims or the parties are, but just with respect
3 to -- to the extent of them having the -- just meager funds for
4 commissary and things of that sort.

5 So I would just ask the Court to consider deferring
6 that until after the sentence is served.

7 **THE COURT:** On that point, which is a little bit
8 different from special conditions, we've deferred restitution,
9 in any event. So I will not make a final decision about that
10 until counsel get back to me and I see where things come out in
11 terms of restitution. Okay?

12 **MR. BALTER:** Very well.

13 **THE COURT:** But I am otherwise adopting the
14 recommended special conditions of supervised release. They
15 will eventually, when we come to that, be part of the sentence.

16 I'm about to turn to Mr. Siddiqui unless there is
17 anything else anybody wants to say before that.

18 **MR. IZANT:** Nothing further from the Government,
19 Judge. Thank you.

20 **THE COURT:** Okay. All right. Mr. Siddiqui, as I'm
21 sure you know, you have the right to speak if you want to. You
22 don't have to. It wouldn't be held against you, and I have
23 read what you have submitted in writing already. But if you
24 would like to speak, let me just ask you to hold up your hand
25 so that we know that you want to speak.

1 **THE DEFENDANT:** (Complies.)

2 **THE COURT:** All right. Ms. Herndon, can we unmute?

3 **THE CLERK:** Yes. I'm asking to unmute now.

4 **THE DEFENDANT:** Can you hear me?

5 **THE COURT:** All right. Yes, I can hear you, sir.

6 I'm happy to hear whatever you want to say.

7 **THE DEFENDANT:** Okay. I just wanted to go over what I
8 sent you. And along with that, this is a little bit more state
9 of mind.

10 But I'm going to start with good afternoon,
11 Your Honor. Standing before you today, I am at a loss of
12 words. This is a shameful situation I put myself into. My
13 greed and selfishness has put the people I've hurt, my loved
14 ones, and myself in a difficult position.

15 Though I do take full responsibility for my actions, I
16 would like to give you a little insight into my life. Coming
17 from a different country, my parents were struggling to provide
18 for my sisters and me. Like Nissa said, my parents demanded
19 the best results any way necessary. So from an early age, I
20 was held to a high standard in every aspect of my life from
21 good grades in school to being a well-mannered and obedient son
22 at home.

23 Throughout the years I tried. I really did. But no
24 matter how hard I tried, I just wasn't good enough. I was
25 below average in school and bullied constantly, not including

1 coming home to my parents' fighting and then being yelled at
2 for a mix of their marital problems and my grades. Years down
3 the road, nothing changed. In actuality, things were literally
4 worse. I failed 12th-grade English, resulting in me missing my
5 high school graduation. My parents filed for divorce --

6 **THE COURT REPORTER:** Your Honor, I'm sorry. I'm
7 really having some issues.

8 **THE COURT:** Mr. Siddiqui, I believe the court reporter
9 is having some difficulty.

10 I don't know if there is any way of doing anything
11 about the background noise, but I'll just have to ask you to
12 speak as loud as possible and as slowly as possible so that we
13 can hear all of it.

14 If you would just repeat the last sentence.

15 **THE DEFENDANT:** I failed to 12th-grade English,
16 resulting in me missing my high school graduation. My parents
17 filed for divorce, and my life as I knew it was falling apart.

18 During high school, I was given a smartphone, which
19 eventually was my way of dealing with reality and entering a
20 world where I could be someone else. I could do things and
21 talk while being in the comfort of my house.

22 I felt better about myself because I knew I was wanted
23 and thought about.

24 Growing up in a religious household where I'm not
25 allowed to date was tough as a teenager growing up in America.

1 All you see and hear of was people with a significant other.

2 My desperate emotional state as a teenager was mired
3 by conflict and eventually addiction.

4 I would be on the phone so much my family would
5 constantly tell me, "Get off your phone. Spend time with us,"
6 and I would just ignore them. For that I'm sorry to my family.
7 And now being here, ironically, all I think of is missing out
8 on times with them.

9 I should have listened to my parents when they told me
10 repeatedly to pray, read the Quran, study, and be good to
11 others because everything I considered nagging was what would
12 have kept me out of here.

13 Most importantly, I'm sorry to the victims I've
14 affected. There is not one day that's passed by when I haven't
15 thought of what I've done.

16 Knowing I -- knowing I've hurt someone to that extent
17 beats me up every day.

18 I know I can't take back what I've done, and I wish I
19 could. But the least I can do is apologize for my actions.

20 So from the bottom of my heart, I am sincerely sorry
21 for the pain I've caused you, your family, and anyone else.

22 Though I can't expect you to accept my apology at this
23 point in time, I pray and hope maybe one day you will.

24 Along with that, I just want to say I truly regret my
25 actions. My senseless stupidity blinded me on the fact that

1 even though I wasn't physically -- it wasn't physical, I could
2 hurt someone just as bad through a phone.

3 With everything said, I know I'm not in a position to
4 ask for anything. But I humbly ask you for one chance, one
5 chance to make prove I will never commit a careless and
6 regretful act ever again. As a human being, we all make
7 mistakes, big and small. And this right here is my big mistake
8 in life.

9 We all deserve a chance at redemption at one point in
10 our lives, so let this be my time.

11 The prosecution is asking for more time than I've
12 lived in a life -- the prosecution is asking for more time than
13 I've lived, which is a life sentence in itself.

14 Coming here at the age of 21 and witnessing what goes
15 on in prison has shaken every bone in my body, and this is not
16 how I want to spend my life.

17 I would like to end with a final message to the
18 victims and their families. Once again, I would have to -- I
19 am very, very sorry, once again. I will have to live with this
20 for the rest of my life, and I hope my words put some sort of
21 ease in your hearts and to the pain I've caused.

22 Thank you for your time and consideration.

23 **THE COURT:** Thank you, Mr. Siddiqui. Thank you.
24 Appreciate it.

25 **THE DEFENDANT:** Thank you.

1 Conference at the bench.

2 (It is the policy of this court that every guilty plea and
3 sentencing proceeding include a bench conference concerning
4 whether the defendant is or is not cooperating.)

5 **THE COURT:** Thank you, everyone. This has obviously
6 been a very thorough and emotional, in many ways, presentation.

7 Let me just be clear. Is there anything else that
8 anyone wants to say before I proceed to sentencing?

9 **MR. IZANT:** Not from the Government, Judge. Thank
10 you.

11 **THE COURT:** Thank you. And I'll just again note for
12 the record --

13 **MR. IZANT:** Mr. Balter was on mute. I think he was
14 trying to talk, Judge.

15 **THE COURT:** Mr. Balter.

16 **MR. BALTER:** Not from the defense, Your Honor.

17 **THE COURT:** Thank you.

18 I think we've handled this, but I'll just note on
19 forfeiture that there will at least be the forfeiture of the
20 two, the iPhone and the MacBook, and I will wait to hear from
21 counsel about the third item. And I will wait to hear from
22 counsel about restitution and related conditions to
23 restitution.

24 All right. This is obviously a very, as I've said, a
25 very emotional experience for everyone. There is a great deal

1 of pain that has been expressed today and has been expressed in
2 the papers and that will be felt for many years. I know that.
3 And that is the pain of the victims, the pain of the victims'
4 families, to begin with. And most importantly, obviously,
5 there is a great deal of pain amongst Mr. Siddiqui's family as
6 well, and I do believe that he feels pain himself.

7 There are a lot of factors that I have to consider
8 under 3553(a).

9 I'm going to start with comments about the guidelines.

10 I would certainly agree that the guidelines, in
11 general, in this kind of offense often are higher than is
12 reasonable. And there are specific enhancements that I believe
13 may be overstated in particular instances.

14 In this case I don't think it is valuable or helpful
15 to go through those individual matters in part because, as
16 Mr. Balter did acknowledge, the guidelines, correctly
17 calculated, were at an offense level of 51. We're already
18 dropping by 8 to get to the level 43 that is the maximum under
19 the guidelines.

20 And in this case the Government, while it differs from
21 the defense, of course, but the Government is seeking a variant
22 sentence, if you will. We are below the guidelines.

23 So I think even assuming that there may be reasonable
24 criticisms of the guidelines, we can move past that to the
25 range that we are now at for sentencing.

1 I will say, partly because it was discussed, I think,
2 in more detail in the sentencing memoranda, just to be clear --
3 I didn't quite hear Mr. Balter saying this today, but to the
4 extent one would try to compare the guidelines on the basis of
5 what I would think of as sexting offenses, this is clearly not
6 sexting in the ordinary parlance. I believe that's closer to
7 consensual exchange of explicit images, if you will, between
8 two people who are maybe approximately the same age.

9 What we have here, yes, a young man, but a 20- or
10 21-year-old who was persuading girls as young as 8 to take
11 pictures of themselves and engaged in this, to put it mildly,
12 embarrassing but degrading and physically harmful in some cases
13 sexual activity. And even if he thought they were 11, this is
14 clearly child exploitation, child sexual exploitation, not what
15 we would commonly understand as sexting.

16 It's extremely serious and truly, in some instances,
17 horrific behavior, conduct.

18 The extortion of Jane Doe 4, as, again, I think
19 everyone acknowledges, is particularly egregious. This is a
20 real child. I believe Mr. Siddiqui knew it to be a real child,
21 middle school child. And to not only coerce her into the
22 creation of the images that she was induced to create, but to
23 threaten and then to actually distribute those pictures is the
24 most -- to me the most serious aspect of this very serious
25 case.

1 Mr. Siddiqui did this in a, I believe the facts show,
2 a methodical way. He misrepresented his own age, on occasion
3 used false pictures. He knew enough to move from the more
4 public sites to the private sites. That is all very egregious
5 and dangerous behavior. And, again, I'm not saying the defense
6 doesn't recognize this, but this is lifelong, likely lifelong
7 consequences for the victims and their families.

8 It is a distinction to be made. It can be difficult
9 to draw these kinds of lines.

10 Mr. Balter points out that this did not involve actual
11 physical contact by the defendant with the victims, although he
12 obviously coerced them to perform physical acts upon
13 themselves.

14 And one can agree that hands-on forced, as well as
15 coerced or induced, physical sexual conduct by an adult with a
16 young victim like this may be more serious at least as to that
17 victim. And I would agree, particularly when it involves --
18 which was not the case here -- a position of trust -- a father,
19 a stepfather, an uncle, someone of that nature taking advantage
20 of a very young child.

21 One does have to recognize, however, in terms of the
22 dangerousness of the activity that the Internet may make it --
23 and did in this case -- easier to reach a greater number of
24 victims. And there are images, some of which have been
25 distributed, that are permanent and multiple victims, public

1 humiliation in the case of Jane Doe 4 and, again, permanent
2 harm, even agreeing, as I do, that there are distinctions
3 between this and physical hands-on contact, particularly by an
4 adult in a position of trust.

5 Comparing sentences, it's something that I need to do
6 at least in a general way to the extent that one of the factors
7 is disparity among similarly situated defendants.

8 I think on this point, the Government, frankly, had
9 more cases to cite for something in the range or closer to the
10 range that it is asking for than the defense.

11 Without going into a great deal of the distinctions, I
12 mean, yes, *Punzalan* some time ago -- and we don't know all
13 that -- all the facts about it and, of course, this is somebody
14 that was deportable. Again, I'm not going to go into
15 individual particular cases. I did look at the ones that were
16 cited. There were additional ones by the defense, multiple
17 cases cited by the Government. And I think that, again, the
18 range is closer to what the Government is asking for if one
19 simply looks at these other sentences.

20 I, of course, also need to consider the history and
21 characteristics of the defendant and the mitigation that's been
22 put forward.

23 And I think we should all be clear -- and I think the
24 Government is clear on this as well -- to say that the conduct
25 is reprehensible, that the conduct is dangerous is not the same

1 thing as saying that Mr. Siddiqui is a monster, that
2 Mr. Siddiqui is evil, that there is not some explanation, even
3 if not excuse, for how he came to do what he did.

4 And we know that he in some instances to some
5 degree -- difficult childhood, bullied for various reasons,
6 isolated, may have been developmental delays, difficulties with
7 schoolwork, stress in his family relationships, hasn't gotten
8 mental health treatment.

9 He has no criminal history. He has done community
10 service work. He has strong family support. That has to be
11 taken into account, and it's hard in a way. The picture of the
12 person that his family saw, that the community saw of
13 Mr. Siddiqui in person obviously just does not fit with the
14 online conduct that was directed at his victims, but was.

15 I'm taking into account also in the line of
16 mitigation, if you will, and support for the defense argument.
17 I do think that Mr. Siddiqui is somewhat immature, is
18 relatively young. At 19 or 20, he's clearly old enough to know
19 that this was wrong. I'm not suggesting otherwise.

20 But it's a little bit different from a 30-, 40-,
21 50-year-old adult who did not, again, personally physically
22 force himself on another person. So I do take that into
23 account.

24 And it is his first conviction. Having said that, it
25 is not a one-time or an isolated act. It is not the

1 circumstance of someone that had not been involved in this
2 conduct for a number of times. The criminal conduct is over a
3 period of approximately 18 months. Obviously, he'd escaped to
4 the Internet before that, but we are talking about a
5 significant amount of time and a significant number of victims.

6 I appreciate that he's been in custody for some time
7 at Chesapeake Detention Facility. The conditions there and any
8 institution right now, of course, are worse because of COVID.
9 And I appreciate that, and I do believe and appreciate that
10 Mr. Siddiqui has accepted responsibility. I appreciate what he
11 said as well as his family about the victims, about his desire
12 never to do this anymore.

13 I am also -- however, I need to take into account the
14 issue of deterrence in a couple of different ways.

15 Deterrence, as it may be important to Mr. Siddiqui
16 individually, to protect the public, to protect against his
17 re-engaging in this conduct, but there is also an issue of
18 recognizing the seriousness and making sure that the public
19 understands the seriousness, the danger of this illegal
20 behavior, which has just expanded on -- because of the
21 Internet.

22 And we can't -- we're not getting rid of the Internet.
23 It's there. People are going to be involved, as they have
24 been. And so it's very important to make a statement about how
25 serious this conduct is and why it needs to be deterred and

1 protected against in every way possible.

2 So I have to come to the actual sentence. I will,
3 first, say that there is going to be -- and I take this into
4 account as well in terms of protecting the public -- a period
5 of lifetime of supervised release on Counts 1 and 2.

6 On Count 3, I believe it needs to be three years
7 concurrent with the special conditions that we have discussed.
8 And, of course, Mr. Siddiqui will be registering as a
9 sex offender, and I think those are important considerations as
10 well. But I also think that a lengthy sentence is required in
11 this case.

12 I cannot agree -- I appreciate Mr. Balter's eloquence
13 and his very thorough argument on behalf of his client. But I
14 don't think that a 15-year sentence would be sufficient under
15 all these circumstances to recognize the seriousness of this
16 offense.

17 Where I come out, taking into account all these
18 factors as best I can, there is no precise way of measuring it,
19 but it needs to be lengthy.

20 And I am going to impose a sentence of 24 years --
21 that is, 24 years in the custody of the Bureau of Prisons on
22 Count 1, 24 years in the custody of the Bureau of Prisons on
23 Count 2. That is obviously concurrent.

24 On Count 3, I believe the maximum is 60 months, in
25 which case I am imposing 60 months concurrent on Count 3.

1 And I think that is what is required in this extremely
2 difficult and painful case.

3 I will recommend to the Bureau of Prisons that
4 Mr. Siddiqui be designated to the FCI Petersburg; that he
5 participate in vocational training and -- as well as any mental
6 health counseling or treatment that may be available for him
7 within the Bureau of Prisons.

8 His financial circumstances don't permit a fine.
9 There is not going to be a fine. As we discussed, there will
10 be restitution to be ordered at a later point.

11 I'm required to impose a \$100 special assessment on
12 each count. That is a total of \$300.

13 I don't believe his financial circumstances permit --
14 and we haven't really discussed, but there may be applicable a
15 \$5,000 victim assessment for this particular offense. If it is
16 applicable, I find that it is not something that Mr. Siddiqui's
17 financial circumstances would permit, particularly in light of
18 the lengthy sentence.

19 Have I left anything out? Is there anything I have
20 not addressed about this sentence?

21 **MR. IZANT:** No, Your Honor. Thank you.

22 **MR. BALTER:** No, Your Honor. I would just note my
23 exception to the reasonableness of the sentence.

24 **THE COURT:** Certainly, Mr. Balter.

25 I'm not sure, under the terms of the plea agreement,

1 Mr. Siddiqui, whether there is anything you have a right to
2 appeal from about this sentence. But if you will consult with
3 Mr. Balter, any appeal would need to be noted within 14 days.

4 All right. Ms. Herndon.

5 **THE CLERK:** This Honorable Court is now adjourned for
6 the day.

7 **THE COURT:** Thank you.

8 (Matter concluded at 2:51 p.m.)

9 I, Douglas J. Zweizig, RDR, CRR, FCRR, do hereby certify
10 that the foregoing is a correct transcript from the
11 stenographic record of proceedings in the above-entitled
12 matter.

13 _____/s/_____

14 Douglas J. Zweizig, RDR, CRR, FCRR
15 Registered Diplomat Reporter
16 Certified Realtime Reporter
17 Federal Official Court Reporter
18 DATE: January 5, 2021
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RAFAY SIDDIQUI: [3] 49/6 49/10	23-year-old [1] 60/16	academically [1] 40/14
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